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THE
Parliamentary Register;
OR
HISTORY
OF THE
PROCEEDINGS AND DEBATES
OF THE
HOUSE OF COMMONS;

CONTAINING AN ACCOUNT OF

The most interesting SPEECHES and MOTIONS; accurate
Copies of the most remarkable LETTERS and PAPERS;
of the most material EVIDENCE, PETITIONS, &c.
laid before and offered to the House.

DURING THE
SIXTH SESSION of the SIXTEENTH PARLIAMENT

OF
GREAT BRITAIN.

VOL. XXV.

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IN THE
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H I S T O R Y
OF THE
P R O C E E D I N G S
D U R I N G T H E
C O N V E N T I O N
OF THE
B R I T I S H P A R L I A M E N T.

H O U S E O F C O M M O N S.

Thursday, 20th November, 1788.

WHEN the Chancellor of the Exchequer had entered the House,

The Speaker rose at the table, and observed, that, as he believed no new commission had been issued for the farther prorogation of Parliament, he wished to know whether it was the pleasure of the House that he should take the chair?

A general call of Chair! chair! immediately prevailed; in consequence of which, the Speaker went to his seat, from whence he stated to the House what writs had been issued by him during the recess of Parliament.

The new Members then took the oaths; and when they had all been severally sworn,

Mr. Chancellor *Pitt* rose, and said, that, consistently with his duty, he must beg leave to inform the House, that the cause of their being thus assembled, without the usual summons and notice that they were to meet for the dispatch of business, upon the commission for the last prorogation of Parliament expiring, was owing to the contingency of the unfortunate illness with which His Majesty had been severely afflicted, and which had prevented his servants from receiving his commands. He added, that the few authorities which ex-

isted, and which were at all similar in their application to the present singular situation of affairs, had been consulted; but, as they did not point out the possibility of issuing a new commission for the farther prorogation of Parliament, nor enable them to open the session in the usual form, nor indeed in any way at all regular, he trusted that every gentleman would agree with him, that, under the present circumstances, it would be highly improper for the House to proceed to the discussion of any public business whatever, and that it was absolutely necessary for them to adjourn. He meant, therefore, before he sat down, to submit to their consideration a motion for the adjournment of the House, at its rising, to that day fortnight. One more point, and one more point only, he shduld take the liberty of submitting to them before he offered the motion of adjournment, which was, that if His Majesty's illness should unhappily continue, contrary to the wishes and prayers of his People, longer than the proposed period of a fortnight's adjournment, as it would be indispensably necessary for the House to take into their immediate consideration what measures were proper to be adopted, in order, as far as they were competent, to endeavour to guard against the dangers which might arise from the not being able to open the session in the usual form, so it would be equally incumbent on them to ensure as full an attendance as he then saw, in order to give the proceeding, whatever it might be, all the weight and solemnity in their power to contribute towards supplying the deficiency of the Royal proclamation. He, therefore, submitted to the consideration of the House the propriety of a motion, which, with their consent, he should offer for a call of the House on that day fortnight; and that the call might be rendered as effectual as possible, he should accompany it with another motion, directing the Speaker to write circular letters in the most serious and solemn manner, requiring the attendance of every Member on that day fortnight.

The Chancellor of the Exchequer now moved,

I. "That the House, at its rising, adjourn to that day fortnight."

II. "That the House be called over on Thursday the 4th of December next."

III. "That the Speaker be directed to send circular letters, requiring the attendance of every Member on that day." And,

IV. "That the House do now adjourn."

The House agreed to the three first-stated motions *nemine contradicente*, and, upon the question put, adjourned to that day fortnight.

Thursday, 4th December.

The House met, pursuant to their adjournment from the 20th of last month.

The Speaker having taken the chair,

Mr. Chancellor Pitt presented to the House a report of the examination of the King's physicians, taken the preceding day upon oath, by the Privy Council, relative to the state of His Majesty's health.

This report was, by order, immediately read at the table by the clerk, and was in substance as follows:

Dr. Warren's opinion, as deduced from the questions put to him by the Privy Council, was, that His Majesty was at present incapable of attending to public business; that there was great probability that His Majesty would, in time, be able to resume his share in the government of the country; but that he could not say when such an event was to be expected. His opinion was founded on personal experience, and consultation with other physicians.

Sir George Baker, Sir Lucas Pepys, and Dr. Reynolds, were severally of the same opinion.

Dr. Addington was still more sanguine in his hopes of His Majesty's recovery, as he had seldom, or ever, known cases attended by such symptoms as he had discovered in His Majesty, fail of a happy termination.

Mr. Chancellor Pitt then moved, "That the said report ^{Mr. Chancellor Pitt.} be taken into consideration on Monday next." At the same time, he gave notice, that on that day he would move that a Committee should be appointed to search for precedents in any degree applicable to the present melancholy state of public affairs, and report them to the House. He added, that the awful magnitude of the present crisis, called for the most serious deliberation; and the House could not, in his opinion, proceed with too much solemnity, or be too cautious in its determinations, in a business of such moment as was that which must shortly be brought before them.

The question was then put on the motion, and it was agreed *nem. con.* that the report should be taken into consideration on Monday next.

Mr. Chancellor Pitt afterwards moved, "That the order of the day for calling over the House on this day, should be discharged, and a new order made for calling it over on Monday." This motion passed without any opposition.

He then moved, "That the House would, at its rising, adjourn to Monday next."

Mr. Vyner sincerely lamented the melancholy occasion ^{Mr. Vyner.} which rendered such motions necessary; and he believed

every man in the country was truly concerned at so dreadful a circumstance. A report taken by the Privy Council was, he observed, undoubtedly entitled to great weight; but he questioned whether it suited the dignity of Parliament, that such a report should be made the ground-work of a parliamentary proceeding. He felt himself at a loss to determine whether that House could, or ought to take the report of the Council as the guide of its conduct; he was rather inclined to think that it ought to order the attendance of His Majesty's physicians, and hear them examined at the Bar, before any final measure should be proposed, or adopted. This, however, he threw out only as his private opinion; the House would judge for itself.

Mr. Chancellor Pitt.

Mr. Chancellor Pitt declared, that nothing could be farther from his intention, than to preclude any measure which the House might, in its wisdom, think it necessary to adopt, for the purpose of procuring the most ample information. He was of opinion, however, that when gentlemen reflected upon the delicacy of the subject, and the dignity of the great Personage to whose state of health the report referred, they would think with him that the mode pursued by the Privy Council, was precisely that which ought to have been adopted, and which Parliament might, without suffering the least infringement of its dignity, pursue. They would please, likewise, to remark, that the examination of the physicians, by the Privy Council, had been taken upon oath, which could not be the case if they were to be examined at the bar of the House, as the House of Commons had not power to administer an oath to a witness.

Mr. Fox.

Mr. Fox observed, however willingly he gave his entire and approving acquiescence of the steps that had been taken in this melancholy business, he still had his doubts, as well as the honourable Member who spoke last but one, whether gentlemen ought in duty to rest satisfied without the personal examination of those physicians, on whose testimony they were to found consequences of the utmost importance. They would, no doubt, all feel it necessary to act with every possible delicacy in the course of their proceedings; but, at the same time, if delicacy and their duty should happen to clash, the one ought not to be sacrificed to the other.

The question was at last put, and carried *nemine contradicente.*

After the motion had been thus disposed of,

The Speaker expressed his doubts, whether, during the inefficiency of one branch of the Legislature, he was competent to issue writs for filling up the vacancies that should happen in the Representation of the People in that House:—

It was the present vacancy in the borough of Colchester, occasioned by the death of Sir Edmund Afleck, that first suggested to him the grounds of those doubts.

Mr. Chancellor Pitt was decided in opinion, that though no act could take place which required the joint concurrence of the different branches of the Legislature, yet each of them in its separate capacity was fully competent to the exercise of those powers which concerned its own orders and jurisdiction.

A motion was at last made, and carried, "That this House do now adjourn."

Monday, 8th December.

Mr. Chancellor Pitt rose, and having desired permission to offer some necessary remarks to the consideration of the House, previous to their entering upon the discussion of the order of the day, added that, on the preceding Thursday, when the motion had been made, "That the minute of the examination of the physicians who had attended His Majesty during his illness, (as delivered upon oath before the Lords of the Council) be that day taken into consideration," it had been intimated that some gentlemen entertained doubts, whether that would be the proper way to found a parliamentary proceeding? and he had, at the time, hinted an idea, that the examination having been taken on oath, would be sufficient; but he had spoken on the impulse of the moment, and was exceedingly desirous that the mode of proceeding should be perfectly satisfactory to the House in general; he wished to know if it was the sense of any number of gentlemen, that a particular inquiry before a Committee of their own House would be a more regular way of proceeding, and whether the communication already made from the Privy Council of their minutes, was not deemed fully sufficient. He should also beg leave to state to the House, that, since their last meeting, two more physicians had been called in to attend His Majesty, one of whom was peculiarly skilled in the treatment of cases, similar to that under which His Majesty unfortunately laboured. These additional physicians had also been examined before the Privy Council; but possibly their having been called in, might, by some gentlemen, be considered as another, and a cogent, reason, for appointing a Committee of the House to examine the physicians; he had therefore thought it his duty to throw out these suggestions, that the House might signify their sense upon them; and also, if any gentleman, or any number of gentlemen, should be of opinion that it would be more satisfactory to appoint a Committee, whether by an instruction

struction to the said Committee, they might not be empowered to search for precedents, as well as to examine the physicians, since on such an occasion as the present, it would certainly be expedient to proceed with all the dispatch necessary that could be consistent with the seriousness and solemnity of the subject under their consideration. Mr. Chancellor Pitt concluded with moving, "That the order of the day be read."

This having been complied with,

Mr. Vyner. Mr. Vyner rose, and observed, that what had fallen from the right honourable gentleman struck him as rather extraordinary. The right honourable gentleman talked of collecting the sense of the House. He wished to be informed how the right honourable gentleman could collect the sense of the House, without some motion for that purpose?

Mr. Chancellor Pitt. Mr. Chancellor Pitt answered, that he had thrown out his former suggestions merely for the consideration of the House, and therefore did not think it at all extraordinary to do it in the mode that he had adopted. He perfectly well knew, that there was not any way of collecting the sense of the House fully and formally, but by a motion; but what he had endeavoured to find out, was solely whether it was the general opinion, or the opinion of any number of gentlemen, that it would be desirable to have an examination of the physicians, who had attended His Majesty, before a Committee. From the silence which prevailed, he had been led to conceive that it would be more satisfactory to proceed in that way; and indeed, the circumstance of two more physicians having been called in, appeared to him to amount to a strong reason for such a procedure. Unless, therefore, he heard some objection to that idea, he would take the liberty of moving, "That a Committee be appointed to examine the physicians who have attended His Majesty, touching the state of his health, and report such examination to the House."

Mr. Powys. Mr. Powys remarked, that the appointment of such a Committee appeared to him to be the only way by which the House could obtain proper intelligence for them to proceed upon, and he was glad that it came recommended by such high authority; but he entertained his doubts, whether the House could go farther on that day, than agreeing to the appointment of a Committee. He explained himself to mean, that it had better be a joint Committee of the two Houses, not only to make the proceeding the conjoint act of both, but as he had found, from the examination of precedents of former proceedings of an analogous nature, that the deficiency of the evidence given before a Committee of that House singly (who could not administer an oath) was cured by the witnessess.

witnesses to be examined before a joint Committee, being all sworn at the bar of the House of Lords.

Mr. Chancellor *Pitt* remarked, that he believed the mode of proceeding suggested by the honourable gentleman had been, upon former occasions, adopted, but for a long time abandoned; and he doubted whether it would not be advisable, in the present instance, to avoid recurring to it, as it might possibly cause either much difficulty or delay, each of which he conceived every gentleman must wish should not be incurred. He would proceed to state why he was of opinion, that the mode of proceeding suggested by the honourable gentleman might lead to difficulty or delay: he knew the instance to which the honourable gentleman referred; but he did not believe there were four instances on the journals; and the mode of constituting a joint Committee, as those instances proved, had been to appoint double the number of Members of that House, in proportion to the number of Peers appointed Members of the Committee by the House of Lords. He doubted much whether the House of Lords would consent to the appointment of a Committee so constituted; and therefore, as it must be extremely desirable that no difference should arise between the two Houses, he thought it more prudent to appoint a Committee of their own, and act upon their report.

Mr. *Burke* declared, that he rose not to controvert any point in the right honourable gentleman's argument, nor even to excite a doubt upon any thing concerning any point which he had advanced, but merely to enter his protest, which he must ever do on any occasion, against what the right honourable gentleman had stated on a former day, and just hinted at that day, though, indeed, he had not much rested on it, and this was, the inefficacy of an examination before that House, because they had not the power to administer an oath to witnesses. He never would suffer that to be made an argument against the House's proceeding in its inquisitorial capacity, without resisting so dangerous a doctrine. Maimed and imperfect, cramped and limited as the House might be in some particulars, he conjured them to preserve all their capacities, and most especially was it necessary for them to hold their capacities sacred, and maintain them with firmness in situations of extreme delicacy and importance, and such he considered the present to be. He reminded them, that in questions of the highest judicial importance, affecting considerations of the first magnitude, the House had never satisfied itself, but on the examination of witnesses at their own bar, or, what he considered as the same thing, before a Committee of their own Members, appointed by the House, and acting as their representative.

He stated the case of a Divorce Bill, which (as they well knew) always originated in the Spiritual Court in Doctor's Commons, where all the proceedings were upon oath; it next travelled to Westminster Hall, where the witnesses also delivered their evidence upon oath, and they were afterwards heard at the Bar of the House of Lords upon oath likewise; and after that triple knot of evidence legally given, it was customary, when the bill came down to that House, for the House to disregard all that had passed, and to ground their proceedings with regard to the bill, on the evidence of the witnesses examined at their own bar, according to their own forms. The more arduous, delicate and difficult the business that came before the House was, the more tenacious they ought to be of their privileges and capacities, and in order to enforce that, it was, that he had risen, not to object to any of the principles or inferences of the right honourable gentleman, but merely to question one of his premises, which, in his mind, called for observation.

Mr. Chancellor Pitt. Mr. Chancellor Pitt moved the question, "That a Committee be appointed, and that the Committee consist of twenty-one members."

This being agreed to, he next proceeded to name the Committee.

The following are the names of the Members appointed of the Committee.

The Chancellor of the Exchequer.

| | |
|-----------------------------|----------------------------|
| Lord North, | R. B. Sheridan, Esq. |
| Right Hon. W. W. Grenville, | Wm. Hussey, Esq. |
| Right Hon. C. J. Fox, | Lord Advocate of Scotland, |
| The Master of the Rolls, | Marquis of Graham, |
| Right Hon. F. Montagu, | Lord Belgrave, |
| Attorney General, | Sir Grey Cooper, |
| Robert Vyner, Esq. | William Wilberforce, Esq. |
| Right Hon. Henry Dundas, | Right Hon. W. Windham, |
| Thomas Powys, Esq. | Philip Yorke, Esq. |
| Solicitor General, | Earl Gower. |

Mr. Chancellor Pitt submitted it to the House whether it was necessary to appoint a separate Committee to search for, examine, and report precedents; and to have two Committees; or whether it might not be moved as an instruction to the Committee of twenty-one, to search for, examine, and report precedents?

Mr. Frederick Montagu. Mr. Frederick Montagu remarked, that if the right honourable gentleman did not object, he should think it more regular to appoint a separate Committee to search for precedents, but to wait before the House took that step, for the Report of the first Committee. To proceed in that way could cause but very little delay, and to appoint the Committee

mittee to search for precedents previous to the receiving the Report of the Committee appointed to examine his Majesty's Physicians, would look like advancing to the second step before the first was completed.

Upon this suggestion Mr. Chancellor *Pitt* waved his first proposition :

The usual orders were then made, viz.

" That the Committee have power to send for physicians.

" That the Committee do meet, notwithstanding the adjournment of the House.

" That five or more be a quorum.

" That no Member, except those of the Committee, be present.

" That the Committee do sit immediately in the Speaker's Chamber."

The House then adjourned.

Wednesday the 10th December, 1788.

Soon after the Speaker had taken the chair, Mr. Chancellor *Pitt* came to the bar with the report of the Committee, " appointed to examine the physicians who have attended his Majesty, touching the state of his health, and to report such examination to the House." Being ordered to bring it up, he laid it on the table accordingly.

The Report contained as follows :

The Committee appointed to examine the Physicians who have attended His Majesty, during his illness, touching the state of His Majesty's health ; and to report such examination to the House ; have, pursuant to the order of the House, proceeded to examine the said physicians ; which examination is as follows :

Doctor RICHARD WARREN called in, and examined.

Whether, in his opinion, the state of His Majesty's health is, or is not, such as to render His Majesty incapable, either of coming to Parliament, or of attending to public business ?

His Majesty's state of health is such as to render him incapable of coming to Parliament, or attending public business.

What hopes has Dr. Warren of His Majesty's recovery ?

The hopes of His Majesty's recovery must depend on the probability of cure ; and that can only be judged of by what has happened to others in similar cases ; and as the majority of others have recovered, there is a probability that His Majesty may recover likewise.

Can Dr. Warren form any judgement, or probable conjecture, of the time which His Majesty's illness is likely to last?

No.

What degree of experience has Dr. Warren had of the particular species of disorder with which His Majesty is afflicted?

In the course of 27 or 28 years practice I have seen many persons disordered in a manner similar to that of His Majesty; some have soon recovered under my sole care; when that has not happened, I have always called in the persons who make this branch of medicine their particular study, and have sometimes attended in conjunction with them, but have oftener left the patients to their care, and have afterwards attended in consultation only, and in many cases not at all.

Whether, when Dr. Warren speaks of others in similar cases to that of His Majesty, he means to include all the different species of the disorder, or to confine himself to that particular species with which His Majesty is afflicted?

I do not mean to confine myself to that particular species with which His Majesty is afflicted, but to include all the different species of the disorder.

Can Dr. Warren state how many particular species there are of this disorder?

No.

Can he state any distinct species of the disorder?

Yes—though the immediate causes of this disorder cannot be ascertained, yet some of the remote ones are well known. Injuries received from blows or falls—sudden affections of the mind—the effect of fever. Besides these, there are several internal causes of this disorder; namely, exostoses, indurations, and ill-conformation of the parts.

Whether this disorder may not sometimes exist, when it cannot be referred to any of those causes which Dr. Warren has specified.

Yes.

Is His Majesty's disorder, in your opinion, referrible to any of the causes enumerated by you, or can you assign any known cause to which, in your judgement, it is referrible?

I cannot assign His Majesty's malady to any cause whatever, as I have not data sufficient to ground an answer upon.

In those species of the disorder, which are not referrible to any assignable cause, is the probability of cure greater or less than the probability estimated on all the species taken together?

I cannot tell.

Can Dr. Warren state what the comparative probability is, in each of the causes which he has assigned?

The disorder proceeding from external injuries, such as *blows*, is frequently cured if medicine be expeditiously applied.

plied. When the malady arises from sudden affections of the mind, it is very frequently cured—when from the effect of fever, it is oftener cured than when from any other cause. When the malady proceeds from the internal causes mentioned above, no good can be done by medicine.

Can Dr. Warren state what proportion, of the whole number of persons afflicted with this malady, have been so, owing to each of the causes he has enumerated, and what proportion, where it can be referred to no assignable cause?

I cannot state any precise proportion; but, out of a great number, there are very few cases where it is possible to ascertain that it proceeds from any assignable cause.

Is there any one of the particular causes enumerated, to which Dr. Warren can say, that the disorder with which His Majesty is afflicted is not to be referred?

I do not think His Majesty's disorder appears to proceed from any one of the causes enumerated by me.

Can Dr. Warren say with certainty, whether His Majesty's disorder may, or may not, have proceeded from injury by blows or falls?

I cannot.

Can Dr. Warren say with certainty, whether His Majesty's disorder may, or may not, have proceeded from sudden affections of the mind?

I cannot.

Can Dr. Warren say with certainty, whether His Majesty's disorder may, or may not have been the effect of fever?

I can say with certainty it has not.

Can Dr. Warren say with certainty, whether His Majesty's disorder may, or may not, have proceeded from any of the internal causes he has mentioned?

I cannot.

Whether, in those species of the disorder which cannot be referred to any assignable cause, the probability of cure may not be various in different cases, according to the symptoms of the particular case, or the apparent degree of the disorder?

I think not, unless signs of convalescence are coming on.

Whether the knowledge of the remote cause is of assistance towards promoting the cure?

In many cases I think it is, but sometimes not.

Whether, in his Majesty's disorder, Dr. Warren sees any present signs of convalescence?

No.

Whether every cure, in the same person, of a disorder which has returned, is included in the calculations of the whole number of cures?

I consider every case that comes as a new case, and have included them in that calculation; but I believe that, excluding them, the majority still are cured.

Whether, of those persons whose disorder cannot be referred to any assignable cause, the greater number have, or have not been cured?

I cannot answer that with accuracy.

Has the greater number of men, that have been afflicted with this disorder, recovered?

Yes.

Has the greater number of persons recovered, whose disorder has lasted, without signs of convalescence, as long as that of His Majesty has already done?

Yes.

Sir GEORGE BAKER called in, and examined.

Whether, in your opinion, the state of His Majesty's health is, or is not, such as to render His Majesty incapable, either of coming to Parliament, or of attending to public business?

I think that the state of His Majesty's health is such, as renders him incapable of coming to Parliament, or of doing any other public business.

What hopes has Sir George Baker of His Majesty's recovery?

I hope that His Majesty will recover, because I think it probable. My own experience, and the experience of other physicians, leads me to think that His Majesty's disorder is curable.

Can Sir George Baker form any judgement, or probable conjecture, of the time which His Majesty's illness is likely to last?

I can form no judgement or conjecture as to the probable duration of His Majesty's disorder.

What degree of experience has Sir George Baker had of the particular species of disorder with which His Majesty is afflicted?

I was formerly a pupil of Dr. Batty's, who attended an hospital, where I had an opportunity of seeing many instances of this disorder. I have likewise had private patients, from time to time, under that disorder; but whenever the disorder has been of some continuance, I have desired the assistance of physicians who particularly attended persons so disordered.

Whether Sir George Baker finds his opinion, in his answer to the second question, upon the particular symptoms of His Majesty's case, or upon his experience of the disorder in general, or upon both?

Upon my experience of the disorder in general.

Whether, in His Majesty's disorder, Sir George Baker sees any present signs of convalescence?

I do not see any present signs of convalescence.

Whether

Whether Sir George Baker learns from experience, that the greater number of persons, who have been afflicted with this disorder, have recovered?

Upon general experience, the greater part have recovered.

Whether every case, in the same person, of a disorder which has returned, is included in the calculation of the whole number of cures?

I will not undertake to answer that question.

Has the greater number of men, that have been afflicted with this disorder, recovered?

I think so.

Has the greater number of persons recovered, whose disorder has lasted, without signs of convalescence, as long as that of His Majesty has already done?

Yes, I can answer that in the affirmative.

Was Sir George Baker in attendance upon His Majesty, as his physician, previous to his being afflicted with his present disorder?

Yes.

Whether Sir George Baker can assign any known cause, to which, in his judgement, His Majesty's present disorder is referrible?

I can assign no known cause to which His Majesty's present disorder is referrible.

Was the attack of His Majesty's disorder sudden or gradual?

Sudden.

When did that attack take place?

The first suspicion I had of this disorder was in the evening of Wednesday the 22d of October last.

Whether any fever, or other complaint, had preceded that attack?

There had been fever and other complaints; but on that morning His Majesty had no fever.

Whether, in cases where the attack has been sudden, the recovery has been sudden also?

My observations on this disorder do not me to answer that question.

The Reverend Doctor FRANCIS WILLIS called in, and examined.

Whether, in his opinion, the state of His Majesty's health is, or is not, such as to render His Majesty incapable, either of coming to Parliament, or of attending to public business?

He certainly is not capable.

What hopes has Dr. Willis of His Majesty's recovery? I have

Have the greater number of those cases been cured or not?

Certainly. I believe they are more easily to be cured, than where the disorder proceeds from excessive drinking, or other intemperance, or some other causes.

Doctor THOMAS GISBORNE called in and examined.

Whether, in his opinion, the state of His Majesty's health is, or is not, such as to render His Majesty incapable of coming to Parliament, or of attending to public business?

I think he is absolutely incapable.

What hopes has Doctor Gisborne of His Majesty's recovery?

I think there are hopes.

Can Dr. Gisborne form any judgment, or probable conjecture, of the time which His Majesty's illness is likely to last?

I think that is impossible.

What degree of experience has Dr. Gisborne had of the particular species of disorder with which His Majesty is afflicted?

Not much particular experience. I have seen persons affected in the same way, even to a greater degree, who have recovered.

Whether Dr. Gisborne finds his opinion, in his answer to the second question, upon the particular symptoms of His Majesty's case, or upon his experience of the disorder in general, or upon both?

Upon both.

Whether, in His Majesty's disorder, Dr. Gisborne sees any present signs of convalescence?

I think that can hardly be said.

Whether Doctor Gisborne can assign any known cause to which, in his judgement, His Majesty's present disorder is referrible?

No.

Doctor ANTHONY ADDINGTON called in and examined.

Whether, in your opinion, the state of His Majesty's health is, or is not, such as to render His Majesty incapable either of coming to Parliament, or of attending to public business?

I think he is incapable, at least he was when I saw His Majesty last. It was about a week ago.

What hopes has Dr. Addington of His Majesty's recovery?

I think there are very good grounds of hope.

Can Dr. Addington form any judgement, or probable conjecture, of the time which His Majesty's illness is likely to last?

It is a hard matter to form any certain judgement or conjecture.

What experience has Dr. Addington had of the particular species of disorder with which His Majesty is afflicted?

I had patients, in a house that I built at Reading, for five years antecedent to the year 1754, when I came to London.

Do you find your opinion, in your answer to the second question, upon the particular symptoms of His Majesty's case, or upon your experience of the disorder in general, or upon both?

I think there is some reason to found it upon symptoms, as well as experience. Though I have seen His Majesty very unquiet, it did not arise to that degree of inquietude which denoted a disease that would be of very long duration. I thought there was something in the very habit of body, as well as in His Majesty's complexion, and in what had been his way of life, that was very favourable to a cure. Where there is not a very great exertion of body or mind, persons who have lived in the way His Majesty has done, are very rarely liable to this illness.—From the account I had from my brethren, who had the honour to attend His Majesty, I had very great expectations that it would end happily, from this circumstance—that it had not for its forerunner that melancholy which usually precedes a tedious illness of this sort. I never knew an instance of an illness, that, under proper care, run to any great length, which had not been so preceded.—As for experience, I have visited a considerable number of patients in that disease, in and round Reading.—Finding they could not be taken so much care of as they ought to be in their houses, and that I might be as little interrupted as possible in the practice of other branches of my profession, I built a house, contiguous to my own, for the reception of such patients.—I visited them there constantly every day.—I had from eight to ten patients there usually at a time. During that time, two patients were admitted, who were reasonably deemed to be incurable at the time of their coming, and for years before. During the charge of my patients, for five years together, at that house, I never had more than two other patients that were not cured within the year, and continued well, as far as ever I knew. Some recovered in much shorter time; and I had several that were quite well within a quarter of a year. If any of those persons had relapsed, I believe, from the partial opinion of their families, I should have heard of it. Where there is a relapse, I should not call it a perfect cure.

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What state of the patients did Dr. Addington consider as a cure?

When the patient was able to do every thing that a man in health does.

What were the particular circumstances of the two patients before mentioned by Dr. Addington, which occasioned their being incurable?

One of those persons had been for many years under the care of a very skilful physician, in an house for the reception of patients under this disorder. It was a case that was different from all others with which I have been acquainted, both in the cause, and in the circumstances which preceded and attended it. The other was a patient who, I believe, had been ill very many years; she had been for some time under the care of an eminent physician, who wished her to be put into a house where she might be taken care of for life; she was atrabilious in the highest degree, and died, from the effects of that disorder, in about a week.

Whether the majority of the patients under your care were men, or women?

I think nearly equal.

Whether Dr. Addington professed to take, and did in fact take, all patients that were offered him?

I had not always room. I excluded none on account of the nature of the disorder.

What has been Dr. Addington's attendance on His Majesty?

I saw His Majesty for three days successively, and for twice each day for a considerable time.

Whether, during the time of that attendance, he observed any signs of actual convalescence in His Majesty?

No.

Whether, from your own observation, or from the particulars which have been communicated to you, you can assign any known cause to which, in your judgement, His Majesty's disorder is referrible?

I cannot pretend to say what the cause was, either from what I saw, or what was communicated to me. I do not chuse to hazard conjecture.

Sir LUCAS PEPYS called in, and examined.

Whether, in your opinion, the state of His Majesty's health is such as to render His Majesty incapable, either of coming to Parliament, or attending to public business?

The state of His Majesty's health is certainly such as to render him incapable of coming to Parliament, or attending to public business.

What hopes has Sir Lucas Pepys of His Majesty's recovery?

I have

I have the same hopes of His Majesty's recovery as I should have if he were labouring under any other disease, of which I knew that the majority labouring under it did recover. That the majority do recover, I am satisfied from my own experience, and from the assurance of a person who has most experience in cases of this sort.

Can Sir Lucas Pepys form any judgement, or probable conjecture, of the time which His Majesty's illness is likely to last?

It is impossible to form any conjecture on that subject.

What degree of experience has Sir Lucas Pepys had of the particular species of disorder with which His Majesty is afflicted?

I have occasionally seen several persons under that disorder, sometimes alone, but more frequently with those whose practice leads them more particularly to attend to it.

Whether, in His Majesty's disorder, Sir Lucas Pepys sees any present signs of convalescence?

His Majesty is more quiet than he has been; but there are no present signs of immediate convalescence.

Are there any actual symptoms at present, which lead Sir Lucas Pepys to entertain more favourable hopes of His Majesty's recovery, than he has hitherto had during his attendance?

I think there are very material symptoms, as His Majesty's general state of health is certainly much better than it was.

Is the amendment that has taken place, only in His Majesty's general state of health, or is there any abatement of his particular disorder?

From His Majesty's general state of health being better, his sleep is more quiet, his appetite is better, and he is more in his usual state; all which circumstances must previously occur before recovery; but these are only leading steps towards recovery—the disorder still remains; it is difficult to say whether it is actually abated.

What does Sir Lucas Pepys mean by His Majesty being more in his usual state?

More quiet, and in a less perturbed state.

Whether it is Sir Lucas Pepys's opinion, that there is, or is not, at present any abatement of His Majesty's disorder?

I have answered it, by saying that it is difficult to say whether there is any actual abatement, and I wish to explain my meaning in these words. The only way of explaining it is by analogy to some other complaint. In the case of a mortification, where the bark would most probably effect a cure, I could not say, during several hours after its being taken, whether there was, or was not any abatement of the mortification: So, in the case of His Majesty, I cannot say whether the return of general health has, or has not, yet produced

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any actual abatement of the particular disorder; but such a return of general good health would lead me to be of opinion that an evident abatement might be expected. I can, however, say, that no actual evident abatement has yet taken place.

When Sir Lucas Pepys, in his answer to the second question, states that the majority of persons labouring under the same disorder with His Majesty do recover, does he mean to include all the different species of the disorder, or to confine himself to that particular species with which His Majesty is affected?

I mean in that estimate to speak of the disorder generally, and not specially.

Can you assign any known cause to which, in your judgment, His Majesty's present disorder is referrible?

I know no evident, or assignable cause.

Is His Majesty's a frequent species of the disorder?

It is a frequent species of the disorder.

In this species, do the majority recover?

Certainly, in this species the majority do recover.

Doctor HENRY REVEL REYNOLDS called in, and examined.

Whether, in your opinion, the state of His Majesty's health is, or is not, such as to render His Majesty incapable, either of coming to Parliament, or of attending to public business?

His Majesty is certainly incapable of it.

What hopes has Doctor Reynolds of His Majesty's recovery?

I think there are well-founded hopes of His Majesty's recovery.

Can Dr. Reynolds form any judgement, or probable conjecture, of the time which His Majesty's illness is likely to last?

No.

What degree of experience has Dr. Reynolds had of the particular species of disorder with which His Majesty is afflicted?

I have been almost twenty years in business, and in the course of that time I have seen a great number under this disorder, both singly and together with others.

Whether you found your opinion, in your answer to the second question, upon the particular symptoms of His Majesty's case, or upon your experience of the disorder in general, or upon both?

Rather upon general experience; though I think there is nothing peculiar in His Majesty's case which forbids the presumption of recovery.

Whether,

Whether, in His Majesty's disorder, you see any present signs of convalescence?

I do not see any present signs of convalescence; though I think His Majesty's being quieter, and in a better state of general health, would lead me to hope that it is a step towards it.

Whether Dr. Reynolds learns from experience, that the greater number of persons afflicted with this disorder have recovered?

The greater number, I think, have recovered.

Whether Dr. Reynolds apprehends, that in calculations founded on general experience, every cure in the same person is included?

I apprehend that it is—they consider every distant relapse as a new disease.

Whether Dr. Reynolds can assign any known cause to which, in his judgement, His Majesty's disorder, is referrible?

No; I cannot.

These examinations having been, upon motion, ordered to lie on the table,

Mr. Rolle expressed his wishes that they might be printed. Mr. Rolle He added, that the eyes of the whole nation were fixed on their proceedings, and that the Public felt an eager anxiety to know the true state of his Majesty's health. If the authentic Report of the Committee appointed to examine the physicians was not printed, imperfect and mutilated accounts might be circulated, that might wound the feelings of the people; whereas there were opinions contained in the Report, which held out hopes, that could not fail, if given truly to the Public, to dispel the gloom which had hung over the nation for some weeks past.

Upon a cry of *Move! Move!*

Mr. Rolle rose again and moved,

“ That a sufficient number of copies be printed for the use of the Members.”

Mr. Powys observed, that if the Report was to be printed, Mr. Powys. he conceived time would be allowed for it to be circulated round the country, before the House proceeded to take any one step grounded on the information contained in the examination of his Majesty's physicians.

Mr. Chancellor Pitt said, essential as the printing of the Report would be to the satisfaction of the Public, and unwilling as he should feel to deny them that satisfaction, he must, however, reluctantly, object even to the motion for printing it, if the passing of such vote was to be made the ground of argument for any farther delay of a motion, of which he had given notice last Monday, for the appointment of

of a Committee to examine and search for precedents; a motion, the adoption of which, with all possible dispatch, a due regard to the public interests rendered necessary, and which, as soon as the present question was disposed of, he should submit to the House.

The Speaker then put the question, which was carried.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* again rising, remarked that the paper from the Privy Council, which had been already placed upon the table, as well as the more regular examinations of which, the House had just heard the contents, afforded them sufficient information, both with regard to the melancholy subject which had occasioned them to assemble, and the opinions of the physicians; and must, at the same time, naturally fill their minds with a reasonable hope, that a happier moment would arrive than the present, although the faculty, who had been consulted, were still unable to declare the precise point of time of its arrival. Gratified, however, as the House might be in that hope and expectation, yet the uncertainty with which their completion might be protracted, rendered it their indispensable duty to proceed, notwithstanding their regret for the occasion, with every degree of dispatch, and in the most respectful manner to take those intermediate steps which the unfortunate exigency of the moment required, in order to provide for the present serious situation of affairs, with a view to guard the liberties of the people from danger, and secure the safety of the country; that His Majesty might have the gratification of knowing, when the happy moment of his recovery should arrive, that the People whom he had loved and protected, had suffered as little as possible by his illness. The point to be agitated, on this occasion, involved in it whatever was dear to the interests of the country, it involved in it whatever was valuable to the People, whatever was important in the fundamental principles of our free constitution. The steps to be taken as preliminaries, therefore, to the discussion of this truly interesting subject, were such as he could not conceive likely to create any difference of opinion. That the House might have the advantage of the wisdom of their ancestors to guide their proceedings, and act upon the fullest information, he should move for the appointment of a Committee to examine into, search for, and report precedents, from which report they would be enabled to see, what had been the steps taken in former moments of difficulty and danger, whence they might proceed with the greater security in providing for the present melancholy circumstances of the country. In conclusion, after dilating at some extent upon the necessity of *this mode*, the Chancellor of the Exchequer said, he would not detain the House by enlarging upon the subject any longer.

longer, but as, on the one hand, it would serve to throw all the light upon it that precedent and history could afford; so, on the other, as he conceived the Report of such a Committee as he had mentioned, might be made in the course of the present week, it could very little contribute to retard the dispatch that was so desirable, and must prove of no material inconvenience. With a view, therefore, to give their proceedings every necessary solemnity, and regulate them by every possible degree of caution, he should take the liberty of moving,

“ That a Committee be appointed to examine and report “ precedents of such proceedings as may have been had, in “ case of the personal exercise of the Royal Authority being “ prevented or interrupted, by infancy, sickness, infirmity, “ or otherwise, with a view to provide for the same.”

Mr. Fox having premised that he felt himself happy to feel Mr. Fox a coincidence of sentiments with those of the right honourable gentleman in most parts of his speech, added, that undoubtedly it was their duty to lose no time in proceeding to provide some measure for the exigency of the present moment, but that exigency was so pressing in point of time, that he for one, would willingly dispense with the motion then made. If the motion were carried, it must be considered, that it was loss of time. What were they going to search for? Not precedents upon their Journals, not parliamentary precedents, but precedents in the History of England. He would be bold to say, nay they all knew, that the doing so would prove a loss of time, for, there existed no precedent whatever, that could bear upon the present case. The circumstance to be provided for, did not depend upon their deliberations as a House of Parliament, that it rested elsewhere. There was then a person in the kingdom different from any other person that any existing precedents could refer to, an Heir Apparent of full age and capacity to exercise the royal power. It behoved them therefore to waste not a moment unnecessarily, but to proceed with all becoming speed and all becoming diligence to restore the Sovereign power and the exercise of the Royal Authority. When the unfortunate situation of His Majesty was first made known to that House, by a presentation of the minute of the Privy Council, some gentlemen had expressed a doubt whether the House could make such a paper a ground of parliamentary proceedings. Mr. Fox reminded the House that he had gone farther, and declared he thought the Report of the Privy Council was not an authentic document, nor such as that House could make the ground of its proceedings. That defect had now been remedied, and the House was, in consequence of the regular examination which His Majesty's physicians

physicians had undergone before a Committee of their own, in possession of the true state of the King's health. That being known to the House, and through them to the Nation at large, he contended that it was then, and then only, the precise point of time for the House to decide, and that not a single moment ought to be lost. In his firm opinion, his Royal Highness the Prince of Wales had as clear, as express is a right to assume the reins of Government, and exercise the power of Sovereignty, during the continuance of the illness and incapacity with which it had pleased God to afflict His Majesty, as in the case of His Majesty's having undergone a natural and perfect demise: and, as to this right, which he conceived that the Prince of Wales had, he was not himself to judge when he was entitled to exercise it; but the two Houses of Parliament, as the organs of the Nation, were alone qualified to pronounce when the Prince ought to take possession of, and exercise, his right. He thought it candid, entertaining this opinion, to come forward fairly, and avow it at that instant; and, therefore, under such an idea, he conceived that as short a time as possible ought to intervene between the Prince of Wales's assuming the Sovereignty, and the present moment. He justified the Prince's not making this his indubitable claim himself, by imputing his desire of waving the open advancement of it, to his having been bred in those principles which had placed his illustrious House on the throne, and to his known reverence and regard for those principles, as the true fundamentals of our glorious Constitution, in the maintenance of which, his family had flourished with so much prosperity and happiness, as Sovereigns of the British empire. Hence it was, that his Royal Highness chose rather to wait the decision of Parliament, with a patient and due deference to the Constitution, than to urge a claim, that, he trusted, a majority of that House, and of the People at large, admitted; and which, he was persuaded, could not be reasonably disputed. But, ought he to wait unnecessarily? Ought his Royal Highness to wait while precedents were searched for, when it was known that none, that bore upon the case which so nearly concerned him, existed? Take it for granted, the House agreed to the motion, and proceeded by their Committee to search for precedents. What precedents did the wording of the motion point to? It spoke in general and indefinite language. Possibly it might mean parliamentary precedents, referring to such contingencies as the present. If that were its meaning, such words as "Parliamentary precedents," ought to have been expressed in it. Mr. Fox remarked, that he should not oppose the motion, but he thought it his duty to say, that it was incumbent on the House to lose no time

in restoring the third estate. His Royal Highness, he was convinced, must exercise the Royal prerogative during, and only during, His Majesty's illness. With regard to the examination of the physicians, he would not take up the time of the House with commenting on the particular answers and opinions of each. However the physicians might have delivered opinions, that might, in the minds of some men, impress one turn of idea, and, in the minds of others, a very different turn of idea, three points were, he thought, undeniable inferences from the whole of their examinations, in which he had assisted above stairs. These three points formed the result, and must be the *substratum* on which that House would necessarily raise the superstructure, whatever it might be, that they should deem it expedient to erect. He took the three points to be these:

1. That His Majesty was incapable of meeting his Parliament, or proceeding to business.
2. That there was a great prospect, and a strong probability, of his recovery.
3. But that with respect to the point of time when that recovery would take place, they were left in absolute doubt and uncertainty.

Upon this occasion, Mr. Fox said, that he could not avoid expressing his hopes that the House would agree with him, that these three points formed the true, fair, uncoloured result of the examination of His Majesty's physicians. He recapitulated the general heads of his speech; and, after repeating his willingness to accede to every proposition that was consistent with the due solemnity of their proceeding, upon so serious an occasion, and declaring that he did not impute any desire to create delay, or unnecessarily avoid dispatch, to the right honourable gentleman who spoke last, added, that he certainly would not resist the motion, although he had thought it incumbent on him to give his opinion on the subject freely and unreservedly.

Mr. Chancellor Pitt answered, that he must take the liberty to observe, that the right honourable gentleman had thrown out an idea which, whatever he might have generally thought of him, as to his penetration and discernment, as to his acquaintance with the laws and general history of the country, and as to his knowledge of the theory of the Constitution, (however he might repeatedly have found occasion to differ with him in respect to his measures and opinions in his practice under it) he defied all his ingenuity to support, upon any analogy of constitutional precedent, or to reconcile to the spirit and genius of the Constitution itself. The doctrine advanced by the right honourable gentleman was itself, if any additional reason were necessary, the strongest

Mr. Chancellor Pitt.

and most unanswerable for appointing the Committee he had moved for, that could possibly be given. If a claim of right was intimated (even though not formally) on the part of the Prince of Wales, to assume the government, it became of the utmost consequence to ascertain, from precedent and history, whether this claim were founded; which, if it were, precluded the House from the possibility of all deliberation on the subject. In the mean time, he maintained, that it would appear, from every precedent, and from every page of our history, that to assert such a right in the Prince of Wales, or any one else, independent of the decision of the two Houses of Parliament, was little less than treason to the constitution of the country. He said, he did not mean then to enter into the discussion of that great and important point; because a fit occasion for discussing it would soon afford both the right honourable gentleman and himself an ample opportunity of stating their sentiments upon it. In the mean time, he pledged himself to this assertion, that in the case of the interruption of the personal exercise of the Royal authority, without any previous lawful provision having been made for carrying on the Government, it belonged to the other branches of the Legislature, on the part of the Nation at large, the body they represented, to provide, according to their discretion, for the temporary exercise of the Royal authority, in the name, and on the behalf, of the Sovereign, in such manner as they should think requisite; and that, unless by their decision, the Prince of Wales had no right (speaking of strict right) to assume the Government, more than any other individual subject of the country. What Parliament ought to determine on that subject, was a question of discretion. However strong the arguments might be on that ground, in favour of the Prince of Wales, which he would not enter into at present, it did not affect the question of right; because, neither the whole, nor any part, of the Royal authority could belong to him in the present circumstances, unless conferred by the Houses of Parliament.

As to the right honourable gentleman's repeated enforcement of the Prince of Wales's claim, he admitted that it was a claim entitled to most serious consideration; and thence, must take the liberty of arguing, that it was the more necessary to learn how the House had acted in cases of similar exigency, and what had been the opinion of Parliament on such occasions. He would not allow that no precedent analogous to an interruption of the personal exercise of the Royal authority, could be found, although there might possibly not exist a precedent of an Heir Apparent in a state of majority, during such an occurrence, and in that case, he contended, that

that it devolved on the remaining branches of the Legislature, on the part of the people of England, to exercise their discretion in providing a substitute. Mr. Pitt contended, that the mode in which the right honourable gentleman had treated the subject, a new question presented itself, and that of greater magnitude even than the question which was originally before them, as matter of necessary deliberation. The question now was, the question of their own rights, and it was become a doubt, according to the right honourable gentleman's opinion, whether that House had, on this important occasion, a deliberative power. He wished, for the present, to waive the discussion of that momentous consideration; but, he declared that he would, at a fit opportunity, state his reasons for advising what step Parliament ought to take in the present critical situation of the country, contenting himself with giving his contradiction of the right honourable gentleman's bold assertion, and pledging himself to maintain the opposite ground against a doctrine so irreconcileable to the spirit and genius of the Constitution. If the Report of the Committee had not proved the necessity of the motion he had made, the right honourable gentleman had furnished the House with so strong an argument for inquiry, that if any doubt had existed, that doubt must vanish. Let it not, then, be imputed to him, that he offered the motion, with a view to create delay; indeed, the right honourable gentleman had not made any such imputation. In fact, no imputation of that sort could be supported; since no longer time had been spent, after the first day of their meeting, than was absolutely necessary to ensure as full an attendance as the solemnity and seriousness of the occasion required; since that time, every day had been spent in ascertaining the state of His Majesty's health, and now the necessity of the case was proved, it behoved them to meet it on the surest grounds. Let them proceed, therefore, to learn and ascertain their own rights; let every man in that House, and every man in the nation, who might hear any report of what had passed in the House that day, consider, that on their future proceedings depended their own interests, and the interest and honour of a Sovereign, deservedly the idol of his people. Let the House not, therefore, rashly annihilate and annul the authority of Parliament, in which the existence of the Constitution was so intimately involved.

Mr. Fox, in explanation, observed, that the right honourable gentleman had used what was with him an equivocal word, on the meaning and application of which depended the whole force of his argument. The right honourable gentleman had talked of the Parliament. If he meant a Parliament, consisting of King, Lords, and Commons, he was

was ready to admit, that a Parliament of that Constitution, being full and complete, had it in its option and power to alter the succession to the Throne, or in any other way change the existing laws and constitution. He was the last man to stand up in that House the advocate of indefeasible right, right *jure divino*, or to maintain any doctrine of so absurd and monstrous a nature; but, speaking of the two Houses alone, and without the King, it was not treason to say, that the two Houses could not make law; nay, it was expressly declared high treason by the statutes of the realm for them to attempt it. Were he, therefore, either to deny that a Parliament, constituted of the three estates, the King, Lords, and Commons, could make laws, or to assert that the two Houses, without the King, could of themselves make laws, His Majesty's Attorney General would warrantably prosecute him for treason, and he should incur all the dangers of a premunire. But he would say again boldly, and without treason, that the two Houses could not assume the functions of a Parliament. If that were treasonable language, he must repeat, and would abide by it. The right honourable gentleman had talked of Parliament; he (Mr. Fox) knew not of any that they were then in. The two Houses had formed themselves on suitable occasions, as they well knew, into Conventions, and those Conventions had acted usefully, and gloriously for the country; but they had not dared to call themselves a Parliament; those who sat in them, knew the Constitution better, and had too sincere a wish for its being preserved in its purity. He declared, he held it to be a clear point, that they were not at that time a perfect Parliament. Whether there might be some in that House, who had a wish to nominate, appoint, and perhaps to limit a Regent in the exercise of the Sovereign authority, he could not say; perhaps they might be driven, by a declaration of that House, to the election of a person to exercise the Royal prerogative; he had ever heard that the Crown was hereditary and not elective, and that because it was thought best for the happiness and freedom of the People. He had heard, indeed, of some old bigoted persons, who, formerly, contended for indefeasible right, and right divine, which no earthly power could annul; but all that abominable and pernicious doctrine had long since been reprobated and exploded. The Crown was declared hereditary by known laws, grounded on other and on wiser principles; and did not those laws that made the Crown hereditary, make the executive government of the country hereditary likewise? He would maintain the treasonable words he had been charged with, that, during His Majesty's illness, and only during his incapacity to discharge the duties of the high office

since His Majesty was invested with, his Royal Highness the Prince of Wales had an undoubted claim to exercise the sovereign authority in the name and on the behalf of His Royal Father. It was the duty of the two Houses to restore the Royal authority, and that immediately; and he denied the right honourable gentleman, acute as he was, to contradict that assertion; but if the two Houses of Parliament took advantage of the present calamitous state of the country, to arrogate to themselves a power to which they had no right, they acted contrary to the spirit of the Constitution, and would be guilty of treason.

Mr. Chancellor Pitt having promised that he did not rise to reply, nor to use any equivocal language, desired to be understood, that it might be known what the point was, upon which the right honourable gentleman and he were at issue. He asserted, that to make a provision for the executive power of the government, during an interruption of the personal exercise of the royal authority, by sickness, infirmity, or otherwise, did rest with the remaining existing branches of the Legislature. It was a matter entirely in their discretion; what that discretion was, he should not then discuss, but should only say, if the right honourable gentleman's doctrine was what he understood it to be, namely, that the two Houses had no such discretion, but that his Royal Highness had a claim to the exercise of the sovereign power, which superseded the right of either House to deliberate on the subject, there was an essential difference between their respective arguments, and that difference constituted the point upon which they were at issue.

Mr. Burke said that he felt it impossible to avoid reflecting with astonishment upon the style and manner in which the right honourable gentleman had debated the question; and he contended, that if ever there was a question which peculiarly called for temper and moderation in the style and manner of its being debated, it was that to which the present argument referred. The question did not point merely to an affliction of bodily infirmity, to an illness affecting the meanest and most perishable part of the human frame, but to the most low and humiliating of all human calamities which had fallen upon the highest situation. In that moment, when it peculiarly behoved every one of them to keep himself cool, and preserve the little share of reason with which Heaven had blessed him, the right honourable gentleman had burst into a flame; he had fallen out into a fury, and, with a degree of unpardonable violence, accused others of treason, because they had ventured to mention the rights of any part of the royal family. The right honourable gentleman, in such a case, must not only have been aware

aware of what people expected at their hands, but of what he owed to the importance and delicacy of the subject, and to his own high situation and character. The right honourable gentleman had expressed his hopes for a regency in a subject, at the very time that he was bringing forward a charge of treason. When he could not convince any one by his arguments, he had endeavoured to intimidate all who had dared to mention only the rights of the royal family, and had threatened them with the lash of the law. Where was the freedom of debate, where was the privilege of Parliament, if the rights of the Prince of Wales could not be spoken of in that House, without their being liable to be charged with treason by one of the Prince's competitors ! [Here a loud cry of order from the other side of the House.] Mr. Burke said, he would repeat and justify his words. The right honourable gentleman had expressly declared that the Prince of Wales had no more right to claim the exercise of the sovereign power, than any other individual subject ; he was warranted, therefore, in stating the right honourable gentleman as having described himself as one of the Prince's competitors. For his part, he was too humble in situation to make such a renunciation of right to the crown himself, but he would venture to say, that none belonging to the proudest and most exalted families, those who enjoyed the highest dignities, and were loaded with the most splendid titles and honours, would dare to hope for a chance of the Regency, or to state themselves as having an equal right to claim it with the Prince of Wales. He must own, he trembled when he considered that he stood before that prince, who held the lash of vindictive law over the heads of those who dared to question the subject. The right honourable gentleman had talked of the discretion of that and the other House of Parliament ; let him remember that the first step of discretion was coolness of temper, and let him shew his own discretion before he recommended to others. Before he gave his elective vote, for he might possibly be made an elector against his will, the Prince opposite to him (Mr. Burke said) ought not to measure people of low and timid dispositions by his own aspiring greatness of soul. He had read in some old law book, that nothing was so dreadful as when a subject was convicted of treason, without knowing what he had done that was treasonable. Let the right honourable gentleman recollect the 25th of Edward the Third, and not be so eager to hurl his constructive treasons on the heads of those who differed from him respecting the Regency. He had ever understood, that our constitution was framed with so much circumspection and forethought, that *it wisely provided for every possible exigency, and that the exercise*

exercise of the sovereign executive power could never be vacant. He put the case, that if he supposed that there might be a right in the Prince of Wales (in whose patent of creation as Prince of Wales, he was declared and considered to be one and the same with the King) to succeed his father in the exercise of the royal prerogative, and should proceed upon that supposition to urge a suit in the Court of Chancery, or any other court, should he be liable to be convicted of an high crime and misdemeanor for such an assertion? In that case, he conceived the charge of treason would not be made upon a sudden; but, if urged at all, it would be urged without any attempt at intimidation, any look of fury, or any voice of harshness. And yet, perhaps, the charge was thrown out merely to advise in the first place, that the Prince of Wales had no more right than any other person; and all his hitherto conceived notions of the meaning of a loud and most vehement tone of voice was possibly wrong; since, possibly, it might mean nothing more than to make the expression which it accompanied, clearly understood. Be that as it might, if he were to give an elective vote, it should be in favour of that Prince, whose amiable disposition was one of his many recommendations, and not in favour of a Prince, who charged the assertors of the right and claim of the Prince of Wales with constructive treason.

Mr. Chancellor *Pitt* replied, that if the right honourable gentleman who had condescended to be the advocate and the specimen of moderation, had found any warmth in his manner of speaking before, which led him to think that he had not considered what he said, he was ready to repeat it with all possible coolness, and knew not one word that he would retract. Upon this ground, therefore, was he still ready to maintain, that it was little less than treason to the constitution to assert, that the Prince of Wales had a claim to the exercise of the sovereign power, during the interruption of the personal authority of his Majesty by infirmity, and in his life-time; and to this asseveration should he adhere, because he considered such a claim as superseding the deliberative power and discretion of the two existing branches of the Legislature. And, when he had said the Prince of Wales had no more right to urge such a claim than any other individual subject, he appealed to the House upon the decency with which the right honourable gentleman had charged him with placing himself as the competitor of his Royal Highness. At that period of our history, when the constitution was settled on that foundation on which it now existed, when Mr. Somers and other great men declared, that no person had a right to the Crown independent of the content of the two Houses, would it have been thought either fair or decent

decent for any Member of either House to have pronounced Mr. Somers a personal competitor of William the Third?

The question was then put and agreed to.

The following Members were named and moved as a Committee.

| | |
|--------------------------|---------------------------|
| Welbore Ellis, Esq. | Ld. Advocate of Scotland, |
| The Master of the Rolls, | Marquis of Graham, |
| Rt. Hon. F. Montagu, | Lord Belgrave, |
| Attorney General, | Sir Grey Cooper, |
| Robert Vyner, Esq. | Wm. Wilberforce, Esq. |
| Rt. Hon. Henry Dundas, | Rt. Hon. Wm. Wyndham, |
| Thomas Powys, Esq. | Philip Yorke, Esq. |
| Solicitor General, | Earl Gower, |
| R. B. Sheridan, Esq. | W. W. Grenville, |
| Wm. Hussey, Esq. | Rt. Hon. Ed. Burke. |

The other usual orders were made, viz.

“ The Committee to sit, notwithstanding the adjournment of the House.”

“ To adjourn from place to place, &c.”

Mr. Chancellor Pitt, then moved,

“ That the call of the House, which stood for the morrow, be put off until the Wednesday following.”

The House adjourned.

Friday, 12th December, 1788.

When the Speaker had taken the chair,

Mr. Welbore Ellis appeared at the bar, with the Report of the Committee appointed “ to examine, search for, and report precedents of such proceedings, as may have been had in case of the personal exercise of the Royal authority being prevented, or interrupted, by infancy, sickness, infirmity, or otherwise, with a view to provide for the same”. He was ordered to bring up the Report, the title of which being read,

Mr. Chancellor Pitt moved, “ That the said Report do lie on the table.” This having been agreed to,

It was moved that the Report be printed.*

Mr.

* Our readers will, we trust, consider it sufficient, if, waving the introduction of diffusive matter, we merely lay before them, what will facilitate their consultations of the originals, all the

REFERENCES to the EXTRACTS from the ROLLS of PARLIAMENT, and other Papers, read at the Committee appointed to examine and report precedents of such proceedings as may have been had in the case of the Personal Exercise of the Royal Authority being prevented or interrupted by Infancy, Sickness, Infirmity, or otherwise,

Mr. Chancellor *Pitt* observed, that most probably it would prove requisite to allow a convenient time for the House to consider the contents of the Report, and examine and weigh their application and force, before they came to any proceeding upon it; that as it was his earnest wish to use every possible dispatch consistent with the due solemnity and acknowledged exigency of the case, he should move that the House would, on an early day, in the course of the ensuing week, resolve itself into a committee, "to take into consideration the present state of the nation," to which committee he should likewise refer the Report which had been just presented, and that containing the examination of His Majesty's physicians. He had entertained hopes, that in consequence of the preparation which had been made with a view to expedite the printing, that the copies might be ready for delivery the next day, but he had just heard, that it would be impracticable, and that the copies could not be ready for delivery before Monday. Tuesday, therefore, he hoped, would be a day agreeable to the House for the committee whom he had named to sit, and with a view the better to enable gentlemen to make themselves masters of the contents of the Report, he took that opportunity of informing the House, that all the precedents contained in the Report were either taken from the Rolls of Parliament, the Statute

otherwise, with a View to provide a Remedy for the same; on Thursday, the 11th of December.

4, 5, 6 Edw. III. Vol. ii. p. 52, Two first Paragraphs.
 1 R. II. Vol. iii. p. 5, Sec. 15 to 27, both inclusive.
 1 H. VI. Vol. iv. p. 169, Sec. 1, 11, 12, 13, 14, 15, 16, and 24 to 33, both inclusive.
 2 H. VI. Vol. iv. p. 201, Sec. 15.
 3 H. VI. Vol. v. p. 406, Sec. 5.
 5 H. VI. Vol. v. p. 407, Sec. 6.
 409, Sec. 7.
 6 H. VI. Vol. iv. p. 326, Sec. 24, 25.
 8 H. VI. Vol. iv. p. 336, Sec. 13.
 10 H. VI. Vol. v. p. 433, Sec. 16.
 13 H. VI. Vol. v. p. 438, Sec. 22.
 32 H. VI. Vol. v. p. 238, Sec. 22, 23, 24, and 30 to 40, both inclusive.
 33 H. VI. Vol. v. p. 284, Sec. 30 to 39, both inclusive.
 34 H. VI. Vol. v. p. 453, Sec. 41, 42, 43.
 D^o - - Vol. v. p. 289, Sec. 40, 41.
 D^o - - Vol. v. p. 321, Sec. 50.
 Act 25 H. VIII. C. 22, Sec. 11.
 Act 1 and 2 Philip and Mary, C. 10.
 Act 24 G. II. C. 24.
 Act 5 G. III. C. 27.

Books of the realm, or their own journals. A schedule of the whole, with references, was annexed to the Report, which, at least, he hoped, might be ready for separate delivery so early as the next morning, and such gentlemen as had the books in their possession, might thereby be enabled to refer to them immediately, and proceed to an enquiry into the doctrines contained in that Report, without waiting for the delivery of the printed copy. Mr. Pitt now moved,

“ That this House will, on Tuesday next, resolve itself into a Committee of the whole House, to take into consideration, the state of the nation.”

The question having been put from the Chair,

Mr. Fox. Mr. *Fox* remarked, that two particular purposes were his sole motives for rising on the present occasion; and these, he felt it incumbent upon him to lose no time in laying before the House, the more especially as they had reference to what had passed upon the subject that did then engage, and had for some days past engaged, their most serious attention. The first purpose was what he never rose for before, since he had been a Member of that House. No Member was more indifferent to news-paper paragraphs, reports, and representations, than he was; he never scarcely looked into any of their accounts of what he said in that House, without finding some part of his speech misrepresented, but he had thought it beneath him to take any notice of it himself, trusting, that if he had expressed himself clearly, the candour of that House, and the recollection of those who heard him, would do him justice. What he rose then to complain of, was a very different matter. There had, he said, been representations, or rather misrepresentations, not in newspapers, not in pamphlets, not in coffee houses, but there had been misrepresentations of what he had said in that House on Wednesday last, publicly made, before a public and august assembly, by a grave person, in high authority, and of dignified rank. He desired mankind to judge him and his opinions, from the sense of those opinions, and his meaning as explained at the time. There were different sorts of misrepresentations; there might be some wilful and intentional misrepresentations, others arising rather from levity, caprice, and wantonness, than mischievous design; and again another description of misrepresentations arising from the misconception of honest minds, made by persons who were themselves mistaken, and acted upon that mistake. Under which of these descriptions of misrepresentation he had fallen, he would not taken upon him to determine; possibly he might have not expressed his meaning clearly, though he thought he had

had spoken in a manner so explicit, that no man could misunderstand him ; he was sure it arose, not from any contempt of his auditors, that he had not rendered himself more intelligible, but merely from the want of power and capacity to convey to their minds, what so forcibly impressed his own ; be that as it might, what had been understood to be his meaning, or what had been misrepresented to have been his expression and sentiment, when speaking as a Member of Parliament, ought not to have been treated as it had been ; as if public proceedings, of a grave and solemn nature, ought to be grounded on so unsubstantial a foundation. The first point, from which he must exculpate himself, was, the supposition of having spoken from the authority of any person whatever, much less from the authority of his Royal Highness the Prince of Wales. He had spoken merely of himself, and delivered his opinion, as an individual Member of Parliament. In that private capacity, and without the Prince of Wales's authority, he had freely delivered his opinion, and the opinion he had stated and meant to state, was, that from the moment that the two Houses of Parliament declared the King unable to exercise the Royal Sovereignty, from that moment, a right to exercise the Royal Authority attached to the Prince of Wales. But he must state what that right was, that so attached ; and he would trust to the recollection of gentlemen, whether he had not so explained it, when he had last occasion to speak upon the subject. A new term had been put into his mouth in another place, which he had not used ; it had been said, that he had declared, " the Prince of Wales had a right to assume the Royal Authority, upon the interruption of its personal exercise, in consequence of the King's illness and incapacity." What he meant was this : he conceived the exercise of the Royal authority to be the right, under such circumstances, of the Prince of Wales ; but he had spoken of it as a right, and not the possession. Before the Prince could exercise that right, he must appeal to the Court competent to decide, whether it belonged to him or not, or must wait till that Court, on the part of itself, made such declaration. That Court was composed of the two Houses of Parliament, while they were sitting ; the Prince had the right, but the adjudication of that right belonged to the two Houses. The more clearly to understand this, it was necessary to explain the precise meaning of the word election, and to contrast it with the term adjudication. That House could legislate and provide such measures, as it deemed adviseable for the public interest ; when they individually gave their votes for such persons, whom they thought most fit to represent them in Parliament, they made their election of their representative ; but when they sat in a committee

mittee above stairs, to try whether A. or B. was entitled to a seat as representative of such or such a borough, they sat as judges, and their report was an adjudication of the right of A. or B. If gentlemen would do him the honour to recollect his manner of treating this subject, on the preceding day, they would, he hoped, in justice admit, that the meaning, which he had now explained, was precisely that which his words, on a former occasion, had then been calculated to convey, and that he neither talked of the usurpation of the two Houses, nor suggested a single idea to warrant the imputing to him any intention of that sort, or any thing like it. Let it be recollected where he was speaking, and to whom he was addressing himself; to the House of Commons, one of the constituent parts of the very Court that was to make the adjudication of the Prince's right. Let it be recollected likewise, whether the rest of his argument, both in his speech and his reply, did not go expressly to the nature of the Prince's right, as he had now defined it. He had, in terms the most explicit and unequivocal, asserted it as his opinion, that when that and the other House of Parliament declared His Majesty incapable of exercising the Royal authority, that was the precise period of time when the Prince's right attached, and when that House ought not to delay in restoring the Royal authority. Had he not said, that the same principles that made the Crown hereditary, made the executive power, and the government of the country, hereditary likewise? Upon that ground it was, that he had argued as he had done, and this he conceived to be the nature of the Prince of Wales's right. Having thus, as he hoped, clearly explained his meaning, he was free to acknowledge, that more differences of opinion prevailed respecting the right of the Prince of Wales to exercise the Royal authority, under the circumstances so often stated, than he could have expected, but much of that difference of opinion (he found) arose from some nice, logical, and legal distinctions, taken between the term right, and claim; distinctions more equivocal, in his mind, than solid and substantial, and which were rested on arguments and principles, which he confessed his understanding was too dull to comprehend. One idea which he had learnt was, that it was, that several persons admitted that the Prince of Wales had an irresistible claim, which the Parliament could not reject or refuse, whenever it was made, without forfeiting their duty to the Constitution. To that idea, he, for one, had no objection; because he knew no difference between an irresistible claim, and an inherent right. In another place, the right of the Prince of Wales had been deeply investigated into, and that by inquirers, every way equal to the discussion,

cussion, who all gave their sanction and authority to his opinion. If the Prince of Wales had done him the honour to have asked his advice how to proceed, he should have told him, as Parliament was sitting, that he thought His Royal Highness might have sent a message to either House, or to both Houses of Parliament, stating his claim, and calling upon them to decide upon it. But as he had said on a former day, his Royal Highness's forbearance was such, that he would send his claim to neither House of Parliament: but, would wait patiently, and with due deference, being conscious that the two Houses ought to find that claim, and restore the Royal authority.

Mr. Fox declared, that he could not help thinking, that the conduct of his Royal Highness deserved the commendation he had bestowed on it, and was entitled to universal applause. For his own part, he could assert, that he had entertained sanguine hopes, that, in the adjustment of a business of so very delicate and important a nature, men of every description would have concurred in one leading and essential circumstance, and have allowed, that let there exist what doubt there might, of the Prince of Wales's right to exercise the Royal authority, under the present circumstances of the country, there could be none of the propriety of investing him with the sole administration of the Government, and with the unlimited exercise of all the Regal functions, powers, and prerogatives. He had not yet abandoned these hopes altogether. An earnest desire to rescue himself from the effect of misrepresentation, in a particular, respecting which, he should have been extremely sorry to have been misunderstood, had induced him to rise, for the purpose of addressing the House; and, upon this occasion, it would prove difficult to describe the fervor of his wishes to render, if possible, by all the means in his power, the future proceedings of the House less difficult than they otherwise might become. The right honourable gentleman, he observed, had named an early day for the House to resolve itself into a Committee of the whole House, to take into consideration the State of the Nation; he did not mean by an early day, a day too early. He had before declared, that after the authentication of the King's incapacity, the House ought not to lose any time in restoring the Royal authority, but, surely, it could not prove a matter of indifference whether the House should, or should not, be enabled to know what sort of proposition it was, that the right honourable gentleman meant to come forward with on Tuesday next, in order that they might turn it in their minds, and enter prepared to discuss it, with some degree of knowledge of its propriety and expediency. He wished the right honourable gentleman

not

not to regard him as hostile on the present occasion. He knew it was so usual for the House to see the right honourable gentleman and himself acting in an hostile point of view towards each other, that it was difficult to consider them in any other light; but, what he now suggested, he suggested on grounds of general convenience, devoid of any party consideration whatever. If the right honourable gentleman did not feel the proposition that he had made as he did, he could only lament that he did not. He should hope, however, that the right honourable gentleman might not think it unfit to give the House some general outline of what he meant to state to the Committee on Tuesday next, that gentlemen might not then be puzzled with the novelty of the proposition, and embarrassed how to vote. He was inclined to hope, that, as to essential points, the difference between the right honourable gentleman and himself was extremely minute; an advantage, therefore, would result from a communication of the intended proposition; the opinions of weighty men upon it might be ascertained, and thence it might be seen whether arrangements might not be made to reconcile difference on small points, in order that the question, whatever it might be, might not be carried by a division, or majority of the House, but that it might be carried with perfect unanimity. What some conceived a right in the Prince of Wales, others might deem at the disposal of the two Houses of Parliament; but, that was a difference of opinion of no material import to the main consideration of the act they were to do, and which they must proceed to in some shape or other. When the thing itself was decided, it would remain to determine by what mode to notify it. He conceived, there could be but two regular methods; one by a declaration, the other by an address, or perhaps both conjointly by the two Houses. He knew not whether the right honourable gentleman would be willing to communicate the outline of what he meant to state to the Committee next Tuesday; but he had no difficulty to declare unreservedly what his opinion was upon the subject, if the opinion of so insignificant an individual as he was, might be represented as meriting attention.

His opinion was, to declare his Royal Highness Regent, for the purposes of exercising all the Regal powers, in the same manner, and to the same extent, as they might have been exercised by His Majesty, had his health been such as to render him capable of continuing to exercise the Royal authority. That was his opinion, and the House would see it was a plain, simple, intelligible proposition. If the right honourable gentleman's proposition came near his, something *ought to be* sacrificed to unanimity, and he should be ready

to give up, on his part, in proportion as the right honourable gentleman would express the same willingness to accommodate. Though it was abundantly more desirable to carry a question of such infinite magnitude, by the universal and unanimous consent of the House, than by a majority; yet, if the right honourable gentleman's opinion differed widely from his, so widely, that there was no chance of reconciling the one to the other, he should be reduced to the necessity of dividing, and thus discovering which gained the majority. He declared he should be willing to sacrifice much for the purpose of giving occasion to unanimity, because he thought it, above all things, desirable. In the great point, there could be no difference of opinion. They must all agree that it was, in the first instance, their business to set up something for the Regal power; and who would they set up, but the Prince of Wales, who certainly had the first interest in the welfare of the kingdom, His Majesty alone excepted? He urged the right of the Prince as an abstract point, and as such, the stating it was, in his opinion, a powerful argument. But what signified differences upon abstract points, where the substance was indisputable? The field was wide, and his object then, as it had been in the debate of Wednesday, was, to lead the mind to that point upon which gentlemen ought to look. *De qua re agitur* was the matter he wished to ascertain, and with that view, he had called upon the right honourable gentleman to state the outline of the proposition with which he meant to come forward on the ensuing Tuesday. Perhaps, as the right honourable gentleman was in full possession of what ought to be done, in his (Mr. Fox's) opinion, the right honourable gentleman might feel the less objection and difficulty in stating his own opinion. All he wished was, that the House might know what they were to expect in that particular, and not come altogether unprepared to meet it, when the proposition should be regularly made. In the beginning of his speech, he had endeavoured to explain a matter, respecting which, he had been misrepresented in another place. He hoped he had done it satisfactorily; but if any gentleman entertained a doubt upon any part of what he had said, he should be happy to rise again, to answer any question on that subject, and to give the fullest explanation.

Mr. Chancellor Pitt, rising next, begged leave to remind the House, that they had just received a voluminous report from the Committee, appointed to search for precedents, in order that gentlemen might have every information before them, to guide their proceedings, under the present arduous and singular situation of the country, that the wisdom of their ancestors, the statutes of the Realm, and the records of

of Parliament, could afford; and he had moved to refer that Report, together with the examination of His Majesty's physicians, to the Committee of the whole House, who were to take the state of the Nation into their consideration upon the ensuing Tuesday. In that Committee, the topics touched on by the right honourable gentleman would necessarily undergo an ample discussion. In their last debate on the subject, there appeared to be a point at issue between the right honourable gentleman and himself; and, from all that the right honourable gentleman had then said, is still appeared to be no less at issue than before. The right honourable gentleman explained, as he thought proper, the meaning of a very essential part of his speech, on the preceding Wednesday. Mr. Pitt said, that he should be sorry to fix on any gentleman a meaning, which he afterwards declared not to have been his meaning. In whatever way, therefore, he had before understood the right honourable gentleman's words relative to the Prince's forbearing to assert his claim, he was willing to take the matter from the right honourable gentleman's present explanation, and to meet it upon those grounds where he had then, after maturer deliberation, thought fit to place it. The right honourable gentleman now asserted, that the Prince of Wales had a right to exercise the Royal authority, under the present circumstances of the country, but that it was as a right not in possession, until the Prince could exercise it on, what the right honourable gentleman called, the adjudication of Parliament. He, on his part, denied that the Prince of Wales had any right whatever, and upon that point the right honourable gentleman and he were still at issue; an issue, that, in his opinion, must be decided, before they proceeded one step farther in the great and important considerations to be discussed and determined. Concerning one part of the right honourable gentleman's speech, it was impossible for him to remain silent, as the right honourable gentleman's ideas in that point had not appeared to him to be quite accurate and distinct. He seemed to have intended to have renounced all idea of the Prince of Wales's right to assume the exercise of the Royal authority, under the present or similar circumstances, without the previous adjudication of Parliament, or of the two Houses; but, if he understood the right honourable gentleman correctly, he had used the words, "during the sitting of Parliament;" the plain inference from which expression was, that if Parliament were not sitting, the Prince of Wales could assume the exercise of the Regal authority. Mr. Pitt declared, that he thought the Prince of Wales could, in no one case, have power to assume the right. If there were no Parliament in existence, he granted, that the Heir Apparent, acting in concert with other

other persons in great situations, might, under such circumstances as the present, have issued writs, and convened the two Houses, for the purpose of providing for the exigency. Such a proceeding would be justified by the necessity of the case, and with a view to the safety of the nation, which superseded all forms; but, that it would be a legal and formal summons of the Parliament, or that a Parliament could be called together, without legal authority, he must absolutely deny. Such a meeting would be a Convention, like to that assembled at the time of the Abdication of James the Second, and in other periods of difficulty; but it could not be a legal and formal calling together of a Parliament. With regard to the question of the Prince of Wales's right of assuming the power, during the intermission of Parliament, and his right not in possession, as it was called, during the sitting of Parliament, he need not rest much upon the distinction, denying, as he did, that any right to assume the Regal authority, under any circumstances, independent of the consent and approbation of Parliament, existed in the Prince of Wales. But, supposing the right of assumption of Royalty given up altogether; and that the Prince must have the right adjudged by Parliament, he denied that they were canvassing a right, and acting as judges, as the sentiments of the right honourable gentleman so manifestly intimated. It was subversive of the principles of the Constitution to admit, that the Prince of Wales might seat himself on the throne, during the lifetime of his father; and the intimation of the existence of such a right, as he had remarked on a former occasion, presented a question of greater magnitude and importance even than the present exigency, and the provision that it necessarily required; a question that involved in it the principles of the Constitution, the protection and security of our liberties, and the safety of the State! Whatever, therefore, might be the order of their proceeding, he hoped there would be an unanimous concurrence of opinion, that it was impossible to let the question of right, which had been started, undergo admission, without its being fully discussed and decided. It was a question that shook the foundation of the Constitution, and upon the decision of which, all that was dear to us, as Britons, depended. In his opinion, therefore, it was their first duty to decide, whether there were any right in the Prince of Wales to claim the exercise of the Regal power, under any circumstances of the country, independent of the actual demise of the Crown: In the discussion of the powers with which the Regent was to be invested, there might be differences of opinion, whether the whole of the Royal prerogatives should be delegated, on the grounds of expediency; there might be differences of opinion, whe-

ther a portion only of the Royal authority should be delegated, and a part reserved, on the grounds of prudence and discretion. These were important topics, which they could not discuss, unless they first knew, whether they were sitting as Judges, or as a House of Parliament, possessing a power of deliberation, and capable of exercising a constitutional discretion. They must first ascertain, whether that which should be vested in the hands of the Prince of Wales, was matter of adjudication on their part, of right in his Royal Highness, or as a trust in behalf and in the name of His Majesty; and therefore, he should think it his duty to bring forward the question of right, as a preliminary question. If that question should be decided in the affirmative, there would be no need of specific measures. Should it, however, be determined upon a contrary ground, the way would become cleared, and the House would know how to proceed. He had, indeed, mentioned the alternative, but, Heaven forbid, that the fatal alternative should be decided in favour of the intimated right of the Prince of Wales! Mr. Chancellor Pitt next took notice of the call which Mr. Fox had made upon him, relative to the future propositions to be brought forward by him in the Committee which had been moved for, to take into consideration the State of the Nation. He said, that if the question of right should be decided, as he thought it would, upon constitutional principles, he should, in that case, certainly proceed to propose measures for providing for the interruption of the Royal authority, occasioned by His Majesty's present incapacity to exercise it; and as he was always happy when he could concur with the requisition of the right honourable gentleman, he would state the outline, without feeling any prejudice to the person who had called for it; but, he begged to have it understood, that what he was about to state, was not to be a matter of debate at that moment, nor were any arguments then to be raised upon it. He proceeded to declare, that however decided he might be in his opinion against the whole, or any part, of the Regal power being vested in the Prince of Wales, as a matter of right, in any way in which that right had been explained, he was equally ready to say, that, as a matter of discretion, and on the ground of expediency, it was, in his opinion, highly desirable, that whatever part of the Regal power it was necessary should be exercised at all, during this unhappy interval, should be vested in a single person, and that this person should be the Prince of Wales. That he also thought it most consistent with true constitutional principles, and most for the public convenience, that his Royal Highness should exercise that portion of authority, whatever it might be, unfettered by any permanent council,

council, and with the free choice of his political servants. With regard to the portion of Royal authority which ought to be given, or that which ought to be withholden, it would be premature, in this stage, to enter into the particular discussion of it ; but he had no objection, even now, to declare in general, that whatever authority was necessary for carrying on the public business, with vigour and dispatch, and for providing, during this interval, for the safety and interests of the country, ought to be given ; but, on the other hand, any authority, not necessary for those purposes, and capable of being, by possibility, employed in any way which might tend to embarrass the exercise of the King's lawful authority, when he should be enabled to resume it into his own hands, ought to be withholden ; because, from its being given, more inconvenience might arise to the future interests both of the People and of the Crown, than any which could arise, in the mean time, from its temporary suspension.

Mr. Pitt added, that he could justify the principles of this explicit declaration of his intention, on the ground, that whatever was given to the Regent, or withholden, ought to be given, or withholden, with a view to the moment when His Majesty should be capable of resuming his rightful prerogatives ; a circumstance to which it peculiarly became him to look, in the situation in which he stood, honoured with the confidence of a Sovereign to whom he was bound, and strongly attached, by the ties of gratitude and duty—but of that he would say no more. Whatever judgement might be formed of what he had declared, he was conscious of having given a free and an honest opinion, and was satisfied with that consciousness. He conceived, it could not be thought necessary for him to go any farther into the subject, as the adjustment of the whole proceeding must rest with the Committee on the State of the Nation, where it would be necessary to come forward with the different propositions separately, and to proceed, step by step, to mark and define, by distinct resolutions, what parts of the Royal prerogative should be given to the Regent, and what withholden.

Mr. Fox answered, that he was ready to admit that the right honourable gentleman had nearly stated every point which he had desired, and indeed full as much as he either did, or had any right to expect from him, and that with extreme candour. The right hon. gentleman had taken a distinction between the right of the Prince of Wales, while Parliament was sitting, and his right while Parliament was not sitting, and had asked what would have been the Prince's conduct under the latter circumstance? In that case (Mr. Fox said) he supposed the Prince would have done what the right

Mr. Fox.

honourable gentleman had stated might have been done ; he would have convened the two Houses of Parliament, and referred to that convention, the consideration of the State of the Nation, and expected when they declared the incapacity of the King, that they would have also declared his right to the Regency. Some words had slipped into the right honourable gentleman's speech which seemed to insinuate, that he had put the Regency in a point of view very different from that in which he had placed it. The right honourable gentleman had remarked the House was to decide whether it was a right or a trust. When he (Mr. Fox) had stated that the Prince of Wales had a right to exercise the royal authority, he most undoubtedly meant to exercise it as a trust from the people, which Parliament might resume, alter and modify, just as Parliament thought proper. If that trust were abused essentially, the People of England might resume it without the Parliament, as had been done in the case of the Revolution. The Regency was a trust, on behalf of the People, for which the Prince was responsible, in like manner as His Majesty, and every Monarch that ever sat upon the throne, were responsible for the due execution of their high office. Sovereignty was a trust depending on the natural liberties of mankind. But, his notions on Revolution doctrines had been so often stated, and were (he conceived) so well known in that House, that he scarcely supposed it would be imputed to him, that he meant to deny that the Regency was a trust ; far from it ; he had upon that ground urged the Prince's right to be hereditary, conceiving an hereditary succession the best security to the People for the due discharge and faithful execution of the important trust vested by them in their Governors. Mr. Fox took notice of the abstract question of right, which he observed, that the right honourable gentleman had declared he would bring forward in the Committee on the State of the Nation ; and Mr. Fox added, that until he saw the words of the proposition, it was impossible for him to speak to it. It might be a proposition, which the Committee would affirm ; it might be a proposition which the Committee would neither affirm nor deny, but waive the consideration of. With regard to the steps which the right honourable gentleman had said he would take in the Committee, there might be objections offered to his intended mode of proceeding, and he would state what those objections were, without arguing upon any of them. The right honourable gentleman had said, to whom the powers of the Royal authority should be entrusted ; and after having resolving that, he had declared that only a portion of those powers should be given. A question might arise between those two steps ; upon a debate whether there should be a portion or the whole of the Royal authority vested in the Regent. Mr. Fox considered this in

two different points of view, as a question of right, and as a question of expediency. He doubted whether the plan of proceeding step by step could legally be pursued; and whether, allowing for the moment, that the Prince of Wales had no right, the two Houses of Parliament could propose an act of legislation. He doubted also, whether they must not necessarily, in the first instance, set up something for a King, to give his consent to the proposed defalcation of Royal authority, whatever it might be. Restoring the Royal authority, seemed to him to be clearly the first step that must be taken, and he conceived that the two Houses could not bargain with the Regent beforehand for the diminution of regal power. He professed that he saw no sort of necessity for coming to a division on an abstract proposition, when they had measures of so much solidity and substance to take; where the portion of power that must be withheld was so little, the stating an abstract proposition was, in his mind, useless; he thought it, therefore, much better to wave it, and for both Houses to convince men by their acts, and not by abstract resolutions. The right honourable gentleman's intentions (he observed) were plain and manifest; and he had, on his part, expressly stated his opinion on the subject, which was to invest his Royal Highness with the whole, not a portion, of the royal powers. Both sides of the House were therefore sufficiently understood, and the question consequently would be, whether it was expedient to make the Prince of Wales Regent, or a Parliamentary Regent, and thus give a situation and create a power, hitherto unknown to our Constitution, by placing a person in the situation of the King without regal powers.

Mr. Sheridan observed, that he rose merely to prevent any conclusion being drawn from silence that he concurred in the propriety or expediency of putting the abstract proposition in the right of the Prince of Wales. He for one, felt it his duty to contend against the discussion of any such proposition, declaring that it was neither likely to maintain and secure the promotion of the good or of the peace of the Public. It could not conciliate, but, on the contrary, it might create dissensions and animosities, and therefore, he contended that it would be extremely unwise, as it was obviously unnecessary, to agitate it or press the House to come to any vote upon it. He begged leave to remind the right honourable gentleman of the danger of provoking that claim to be asserted [a loud cry of Hear! Hear!] which he observed had not yet been preferred. [Another cry of Hear! Hear!] He repeated his words, and asked, would the right honourable gentleman chuse to have his own proposition put upon the Journals, to have it recorded as his opinion, That the Prince of Wales ~~had no more right to exercise the Royal authority during the~~ ^{inca-}

incapacity of the King, than any other individual subject? If he would not, why would he press an abstract proposition that must throw the nation into anarchy and confusion? Mr. Sheridan observed that he felt so absolute a conviction, that he was sure no man, who was not actuated by a spirit of dissension, would propose it.

Mr. Chan. Pitt Mr. Chancellor Pitt declared, that he could not avoid rising to animadvert upon the manner in which the honourable gentleman had thought proper to treat what had fallen from him in compliance with the request of the right honourable gentleman (Mr. Fox). The honourable gentleman had chosen rather indiscreetly, and with a degree of warmth altogether uncalled for, to enter into a discussion of the propriety of bringing forward a proposition not then before the House, but which would come regularly under discussion upon a future day. It was evident that there were but two opinions on the question that had been hitherto agitated, touching the present exigency, in consequence of His Majesty's incapacity to exercise the Royal authority; the one, that they were to deliberate on one of the most interesting points that ever came before a House of Parliament; the other, that they were to proceed to an adjudication of one of the most important rights that ever was claimed. In the discussion of these opinions, the House (he trusted) would do their duty in spite of any threat, however high the authority from which it might proceed.

Lord Frederick Campbell Lord Frederick Campbell begged leave to remark that the honourable gentleman had thrown out imputations which hurt his feelings exceedingly. He did not understand that any Member had a right to impute bad intentions to another. As to his own, he could venture to declare that they were pure and honourable. With regard to the question of right, the question must necessarily be discussed before any other. He had, the other day, heard it doubted, whether they were a Parliament or a Convention. It had even been asked, whether the Speaker had a right to issue writs, and other offensive expressions had been used which he did not recollect. He wanted to know whether he had a right to debate, and there was no other way of putting it out of doubt, whether they were a Parliament or not, but by coming to a decision of the question of right.

Mr. Fox. Mr. Fox answered, that it was a pity that the noble Lord could not recollect what he had complained of as offensive expressions. With regard to the doubt whether the Speaker would recollect, it originated with himself and not with him. As to the noble Lord's declaration that his motives were pure, and honourable, as they ought to be, he had always had the good fortune to have the noble Lord with him when he was in office, but never had that good fortune when out of his Majesty's

jesty's service. He recollects that the noble Lord had supported him in opposing a dissolution of Parliament, but that he was with the Minister when the new Parliament assembled: a proof that warm and zealous as the part which the noble Lord took against the dissolution had been, the noble Lord's opinion had become altered much sooner than his own had changed.

Lord Frederick Campbell in reply declared that he had not answered at all to what that right honourable gentleman said, but to words spoken by the honourable gentleman near him. With regard to his want of recollection of what had passed on a former day, the fact was, he did recollect the expressions to which he alluded, but that he did not choose to repeat grievances. He recollects the word *recognition*, which had given him pain, not but that he wished His Royal Highness as well, as other gentlemen on the other side did. No person could wish him better when he had a proper power, nor was more willing to submit to him when he should be manager of the country. (Here some of the gentlemen of opposition burst into a laugh, at which the noble lord took offence, and said, with warmth, he would not be laughed out of his character, though he was no orator, and seldom troubled the House. He spoke merely as his feelings impelled).

Mr. Sheridan said, that he certainly did not deserve to be included under the description of those who had laughed. He denied that he had used any threat, as imputed to him by Mr. Chancellor Pitt, and remarked, that he had only spoken of the danger that might arise, if the Prince should be provoked to prefer a claim, which he certainly had not yet preferred, and the discussion of which he must continue to think as mischievous in its tendency, as it was undoubtedly unnecessary.

Mr. Chancellor Pitt expressed his satisfaction at having heard such an explanation. Had the honourable gentleman been equally guarded before, he should not have thought it necessary to have taken notice of what he could not conceive but to be a threat. The phrase which the honourable gentleman had made use of, was the assertion and not the preference; but when that threat came from so high an authority he could not suffer it to pass unnoticed.

Mr. Sheridan complained that Mr. Chancellor Pitt put words into his mouth which he did not speak.

The question was then put and agreed to.

It was then moved,

“ That the Report from the Committee appointed to examine His Majesty's physicians; also

“ The Report of the Member's of His Majesty's most honourable Privy Council; and also

The Report from the Committee appointed to search for precedents, be referred to the said Committee.”

The House adjourned.

Tues-

Tuesday, 16th December.

Mr. Chancellor Pitt moved, "That the order of the day for the House to resolve itself into a Committee, on the consideration of the State of the Nation, be read;" which being done accordingly, together with the order for referring the Report of the Committee appointed to take and report the examinations of the King's physicians, and the Report of the Committee appointed to search for, examine, and report precedents, to the said Committee. He next moved, "That the Speaker do now leave the chair;" which having been, on the question put, agreed to, Mr. Brook Watson took his seat at the table.

Mr. Chancellor Pitt now rose, and, having premised that the House were then in a Committee to take into consideration the State of the Nation, under circumstances the most calamitous which had befallen the country at any period, remarked, that it was then a century ago since any point of equal importance had engaged the attention of that House. The circumstance that had then occurred, was the Revolution; between which, however, and the present circumstance, there was a great and essential difference. At that time, the two Houses had to provide for the filling up of a throne, that was vacant by the abdication of James the Second; at present, they had to provide for the exercise of the Royal authority, when His Majesty's political capacity was whole and entire, and the throne consequently full, although in fact all the various functions of the Executive Government were suspended, but which suspension they had every reason to expect would be but temporary. There could not, he said, be but one sentiment upon that head, which was, that the most sanguine of His Majesty's physicians could not effect a cure more speedily, than it was the anxious wish of every man in that House, and every description of His Majesty's subjects, that his cure might be effected, and that he might thence be enabled again to resume the exercise of his own authority. During the temporary continuance, however, of His Majesty's malady, it was their indispensable duty to provide for the deficiency in the Legislature, in order that a due regard might be had to the safety of the Crown, and to the interests of the People. The first Report before the Committee established the melancholy fact, that had rendered their deliberations necessary; the second contained a collection of such precedents, selected from the history of former times, as were in any degree analogous to the present unfortunate situation of the country; and, although he would not undertake to say that still more precedents

dents might not have been found, yet, such as the Report contained, would serve to throw a considerable degree of light on the subject, and point out to the House the mode of proceeding most proper to be adopted. Notwithstanding the magnitude of the question, what provision ought to be made for supplying the deficiency, there was a question of a greater and still more important nature, which must be discussed and decided first, as a preliminary to their future transactions, with a view to the present exigency. The question to which he alluded, was, Whether any person had a right, either to assume or to claim the exercise of the Royal authority, during the incapacity and infirmity of the Sovereign; or, whether it was the right of the Lords and Commons of England to provide for the deficiency in the Legislature, resulting from such incapacity? On a former day, he had stated, that in consequence of an assertion having been made in that House, that a right attached to his Royal Highness the Prince of Wales, as Heir Apparent, to exercise Sovereign authority, as soon as the two Houses of Parliament declared His Majesty, from illness and indisposition, incapable of exercising his Royal functions; it appeared to him to be absolutely and indispensably necessary, that the question of right should be first decided by the Committee, before they took a single step to provide for the deficiency of the third estate of the realm. By the assertion of the existence of such a right, no matter whether a right that could be assumed in the first instance, or a right which attached, after the declaration of both Houses of Parliament, that His Majesty was incapable, a doubt had been thrown, upon the existence of what he had ever considered as the most sacred and important rights of the two Houses; and it became absolutely necessary for them to decide that doubt, and, by such decision, ascertain whether they had a right to deliberate, or whether their proceedings must be exceedingly short, and they should have only to adjudge, that such a right as had been mentioned was legally vested in his Royal Highness the Prince of Wales. The most embarrassing difficulties had, indeed, been thrown upon their proceedings, by the assertion, that such a claim existed; and although he was free to confess, that the assertion had not been made from any authority, and that they had since heard, though not in that House, that it was not intended that the claim should be made, yet having been once stated, by a very respectable Member of that House, as his opinion, it was an opinion of too much importance to be passed by unnoticed. Mr. Pitt added, that, upon this occasion, he must intreat the House to remember, however, that he had not stirred the question of right originally. If, therefore, any serious danger

ger were actually to be dreaded, by its being discussed and decided, that danger and its consequences were solely imputable to the first stirrer of the question, and not to him. Had the doubt never been raised, an express declaration on the subject had not been necessary; but, as the matter stood, such a declaration must be made one way or the other. He begged, however, that it might not be imputed to him, that he was desirous of wasting time in bringing forward any abstract, or speculative, or theoretical question. An abstract question, in his conception of it, was a question wholly unnecessary, the discussion of which could answer no end, nor could its decision afford any light to guide and assist them in their proceedings. Of a very different nature was the question of right; it was a question that stood in the way of all subsequent proceeding, the resolving of which must necessarily decide upon the whole of their conduct, with regard to the present important business; they were not free to deliberate and determine, while the doubt of an existing right or claim hung over their heads; they could not speak intelligibly, or to any purpose, until they knew their proper characters, and whether they were exercising their own rights for the safety of the Crown, and the interests of the people, or whether they were usurping that which had never belonged to them. On that ground it was, that he had declared the question of right not to be an abstract question, a speculative question, or a theoretical question. The first information which the papers that had been referred to the Committee afforded, was that which he should make the first resolution. It was a resolution of fact, as the ground of those that were designed by him to follow it; a resolution, stating that which the language of all His Majesty's physicians afforded sufficient proof of, that His Majesty was incapable, from illness, of coming to his Parliament, or attending to any public business, whence arose the interruption of the exercise of the Royal authority. To that resolution of fact, he conceived there could not be any objection. His next resolution, would be the resolution of right, couched in part in the words of the Bill of Rights, and stating, "That it was the right and duty of the Lords Spiritual and Temporal, and of the House of Commons, as the rightful representatives of all the estates of the people of England, to provide for the deficiency in the Legislature, by the interruption of the exercise of the Royal authority, in consequence of His Majesty's incapacity, through indisposition." Here, Mr. Chancellor Pitt renewed his arguments in support of the claim of the two Houses of Parliament, declaring that, under the present

feast circumstances of the country, it was his firm and unalterable opinion, that it was the absolute and undeniable right of the two Houses, on the part of the People, to provide for the revival of the third estate. He declared, he would state the point at issue between him and the right honourable gentleman opposite to him fairly. He wished not to take any advantage of any shades of difference between them, but to argue upon the solid and substantial difference of their opinions. If he had conceived the right honourable gentleman properly, he had asserted, that, in his opinion, the Prince of Wales, as Heir Apparent, upon the incapacity of the Sovereign to exercise the Sovereign authority being declared, had as clear, as perfect, and as indisputable a right, to take upon himself the full exercise of all the authorities and prerogatives of his father, as if His Majesty had undergone an actual demise. If it could be proved to exist by any precedents, drawn from history, or founded in law, or by the analogy of the Constitution, he wished to have been told what those precedents were, because in that case the ground would be narrowed, and the proceedings of the Committee rendered short and simple, as they would have no power nor occasion to deliberate; the only step they could take, would be to recognize the claim of right. That claim of right, however, he flatly denied to have any existence capable of being sustained by such proof as he had mentioned. The right of providing for the deficiency of the Royal authority, he contended, rested with the two remaining branches of the Legislature. He professed himself exceedingly happy to hear that a declaration had been made in another place, from high authority, that the right stated by the right honourable gentleman in that House, to have existence, was not meant to be urged by a great personage. He came that day, confirmed in every opinion which he had before stated; and, particularly, confirmed in the opinion, that no such right or claim rested in the Prince of Wales, as Heir Apparent, to exercise the Royal authority, during the incapacity of the Sovereign, could be proved, either from precedents drawn from history, or from the law, or from the spirit of the Constitution. He begged leave to remind the Committee, that when the right honourable gentleman first mentioned the right of the Prince of Wales in this particular, the right honourable gentleman had declared he was willing to waive the motion for a Committee to search for precedents, because that he was persuaded, and the House must allow, that no precedent could be found that bore upon the particular case of a Prince of Wales, the Heir Apparent to the Crown being of full age, and capable of taking on himself the *exercise of the Royal authority*, under such circumstances

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as the present. There certainly was no case precisely in point; but, though their Committee above stairs could not find a case precisely in point, they had furnished the House with many precedents, from which analogies might be drawn. He called upon the right honourable gentleman opposite to him, to point out a single case analogous to the infancy, infirmity, or illness of a Sovereign, in which the full powers of Sovereignty were exercised by any one person whatever. If the right attached to his Royal Highness, under the present circumstances, in the same manner as on the demise of his father, an Heir Presumptive would succeed ~~as~~ perfectly as an Heir Apparent, and, in pursuance of that doctrine, those precedents that would attach in the one case, would attach in the other. For precedents that were analogous, he would refer the Committee to the Report on the table. The precedents in which, though they might not throw all the light on the subject that could be wished, certainly tended to elucidate it considerably. He would refer to some of the precedents, and convince gentlemen, that their result formed the most undeniable proof, that no such right existed as had been pretended. The first precedent was taken from the reign of Edward the Third, when no Heir Apparent had claimed the exercise of the Royal authority. The Parliament of those days, whether wisely or not was no question before the Committee, provided a Council about the King's person to act for him; a clear proof, that they conceived the power existed with them to provide for the exercise of the Royal authority. The next precedent was in the reign of Richard the Second, when Counsellors were also appointed to exercise the Regal power. The third precedent occurred in the infancy of Henry the Sixth. At that time, the Parliament were called together by the young King's second uncle, the first being still living, but out of the kingdom; and that act was ratified by Parliament, they not considering it sufficient that it was done by the authority of the Duke. In that instance, again, it was clear, that the Regency was carried on by the Parliament. These three instances were the principal of those stated in the Report of their Committee; subsequent precedents would prove, that no one instance could be found of any person's having exercised the Royal authority, during the infancy of a King, but by the grant of the two Houses of Parliament, excepting only where a previous provision had been made. Having thus far mentioned the power of Parliament, during the infancy of a King, he observed, that he would next state their power, during the King's absence; and if, in that case, it should be asserted, that the Heir Apparent had a right to exercise the Royal

Royal authority, let the Committee consider how the assertion would stand.

It had been advanced, that, in the majority of such cases, the power had been given to the Prince of Wales. If such cases could be adduced, they would (he owned) be cases in point; but, then, to prove what? To prove, that such Heirs Apparent possessed no inherent right. If a right existed to represent the King, it must be a perfect, and an entire right, a right admitting of no modification whatever, because if any thing short of the whole power were given, it would be less than by right could be claimed, and consequently an acknowledgment that no such right existed. But, could any such cases be pointed out? By a reference to the ancient records, it would be found, that the *Custos Regni*, or *Lieutenant for the King*, had never been invested with the whole rights of the King himself. The powers given to the *Custos Regni* had been different, under different circumstances; a plain and manifest inference thence arose that the *Custodes Regni* did not hold their situation as a right, but by appointment. The powers of bestowing benefices, and doing other acts of Sovereignty, had been occasionally given to the *Custodes Regni*, shewed that their powers had been always subject to some limitation or other. Mr. Pitt remarked, that in modern times, Lord Justices had been frequently appointed to the exercise of sovereign authority, during the residence of a Prince of age in the country. Another instance that occurred to him was, where the exercise of royalty had been interrupted by severe illness, and which appeared to him to be more a case in point than any other, to the present melancholy moment. The example to which he alluded was the precedent of Henry the Sixth; where the Heir Apparent was not of full age. It would, then, to supply the defect of that precedent, be necessary to have recourse to the principles of the Constitution, and to the laws of the land; and, upon this ground, it would be discovered, that the Parliament of that day provided for the moment; that they were not content with such provision, but, that they looked forward to the time when the Heir Apparent should attain full age, granting him a reversionary patent, the same precisely with the Regent's, to take place when he should come of age; thus, though they provided for allowing him at that period more considerable powers than they had suffered him before to possess, they had still not granted him the full powers of sovereignty, but had made such limitations, that provided their most positive denial of any right existing. That instance, though a single one, and where the Heir Apparent was not of full age, was sufficient to shew the sense of Parliament in those days, as much as if the Heir Apparent had been of full age. If no precedent contrary to those which he had stated to the Committee

mittee could be advanced, he should presume, that the Committee would, of course, admit that no right existed with an Heir Apparent, or an Heir Presumptive, to assume the functions of royalty on the temporary incapacity of the Sovereign; nor any rights but those delegated by the two remaining branches of the Legislature. He scrupled not, therefore to declare, that no positive law, nor the least analogy from any law, could be adduced to support the doctrine of Right. A record had, indeed, been quoted elsewhere (alluding to the House of Lords) to prove that the King and the Heir Apparent were one and the same person, and that it followed of course, that, on the incapacity of the King, as the Heir Apparent had a legal and clear right immediately to exercise the same powers that the King had possessed; but, a different opinion was entertained of that record by persons of great eminence and authority in the law, and by their opinion a far different conclusion was drawn from the same record, the metaphorical expression of which was not to be taken literally. Another opinion which had been started was, that if Parliament had not been sitting, in such a case the Prince would have a right to assume the Royal Authority, and summon Parliament: but this position he should expressly contradict. Because, those who were, like him, standing up for the rights of Parliament; and, through Parliament, for the rights of the People, were peculiarly fortunate in one particular; they were as fortunate as most of those, who had truth and justice on their side, generally were; because little was left for them to do, except to controvert and overcome their antagonists by stating to them, and comparing their own arguments and assertions, made at different times, and as the occasion suited.

It had been pretty strenuously contended elsewhere (in the House of Peers) by a learned Magistrate (Lord Loughborough, (who had chosen to force his own construction on their silence) that our ancestors, if they had entertained any doubt of the Right of an Heir Apparent, would, in their wisdom, have provided for so possible a case as the present; and, yet instead of leaving the interpretation of this point to that learned Lord's wisdom, it must be concluded by the Committee, that they would have provided for it in plain, distinct, clear, and express words, and would not have left it liable to be differently understood. The wisdom of our ancestors, however, he conceived, was better proved by their having said nothing upon it, but left such a question to be decided where it ought to be decided, whenever the occasion required it, by the two Houses of Parliament. That the Committee might assert the same, he meant in the Resolution he should offer, to quote that doctrine from the Bill of Rights, and assert that it rested with the Lords and Commons, as the rightful Representatives

sentatives of the People. If the contrary doctrine was ~~for~~ evident that it must be true, if the Heir Apparent, or Heir Presumptive, had a clear right to assume the Royal prerogative, or the interruption of those powers, he desired to ask every gentleman in the Committee, whether they would wish to adopt such a doctrine as a doctrine applicable to the safety of the Crown, which had been long gloriously worn by His Majesty, and which it was the ardent, the sincere wish of his People that he might long continue to wear, until it should, in due time, and in a natural manner, descend to his legal and his illustrious Successor.

The Chancellor of the Exchequer here strongly deprecated the idea of avoiding the discussion of what limitations might be necessary for ensuing the safety of the Crown on the head of its present Possessor, on account of the many virtuous qualifications of the Prince, or out of respect to any other motive whatsoever. It would not have been wisdom in our ancestors had they said, that the care of the person of the Sovereign ought to be vested in the Heir Apparent. He hoped, in *this* declaration, not to be misunderstood, for, he was ready to acknowledge the greatest and best qualities in the present Heir Apparent; but, he would rather what he had said to be misrepresented in any manner, and any where, than sacrifice the duty which he owed to the safety of his Sovereign, and to the interests of the People. The right honourable gentleman opposite to him had said, on a former day, that his Royal Highness had as clear a right to the exercise of Sovereign Authority, as he would have had, in case of the natural demise of the Sovereign, and that he conceived the present to be a *civil death*. Could the Committee consider His Majesty's indisposition, which was not an uncommon case, and generally but temporary, could they conceive that His Majesty had undergone a *civil death*? He was *sure* they *would not*. If such a thing existed at the present moment as a *civil death*, his Royal Highness would immediately ascend the throne, with the full exercise of the Royal Prerogative, and not as a Regent; for a *civil death*, like a natural death, was permanent. He stated from Mr. Justice Blackstone, that there were but two cases in which a man could undergo a *civil death*; the first was his being banished from the realm by process of common law; the second, his having entered into religion and becoming a monk professed, thereby taking himself for ever from all secular concerns. The first was an act which cut off a criminal from society within the realm, and the other was the voluntary act of retiring from the world. Would any man pretend, that either of those cases was analogous to the visitation of *Heaven, to a stroke inflicted by the hand of Providence,* which

which might, and probably would, prove temporary? Could it be pretended, that they ought to be adduced as acts to prevent His Majesty in future from exercising those powers which he had never forfeited, which he had never renounced.

After having advanced so much in contradiction to the claim of right, he believed no one would think of asserting it. The only question, then, was, and to which what had passed before was but preliminary, where did the right exist? If no provision in precedent, in history, or in law, was to be found, for the exercise of such authority, on the disability of the Sovereign, where was it to be found? It was to be found in the voice, in the sense of the People. With them it rested; and, though in extraordinary cases, in most countries, such an event as the calamity which all deplored, would have gone near to dissolve the Constitution itself; yet, in this more happily tempered form of Government, equally participating the advantages, and at the same time avoiding the evils of a Democracy, an Oligarchy, or an Aristocracy, it would have no such effect; for, though the third estate of the Legislature might be deficient, yet the organs of speech of the People remained entire in the representatives, by the Houses of Lords and the Commons, through which the sense of the People might be taken. The Lords and the Commons represented the whole estates of the People, and with them it rested as a right, a constitutional and legal right, to provide for the deficiency of the third branch of the Legislature, whenever a deficiency arose; they were the legal organs of speech for the People; and such he conceived to be the true doctrine of the Constitution. He would not merely state these as his own opinions, but he would state them to be the opinions of those who had framed the Revolution, who had not, like the Committee, to provide for the interruption of Regal powers, while the throne was full, but to supply the deficiency of the third branch of the Legislature, which was wholly vacant. Whenever the third branch, however, of the Legislature was wholly gone, or but suffered a suspension, it was equally necessary to resort to the organs of the People's speech. Agreeable to the laws of the land, to the records of Parliament, to precedent, and to the Constitution, the political capacity of the King, except in cases of absolute forfeiture of the Crown, was always considered as legally entire; and during that political capacity, according to the spirit of the Constitution, if any natural incapacity should cause a suspension of the Royal authority, it then rested with the remaining branches of the Legislature to supply such defect. In every proceeding of the Parliament, in the reign of Henry the Sixth, they had acted upon such a power, and declared in what manner, and by whom,

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the Royal authority was to be exercised for, and in the name of, the King. In that reign, the Duke of Gloucester claimed the Regency, and applied to Parliament for the same as his right; but, the answer of Parliament to such claim was, that he neither had by birth, nor by the will of his brother, any right whatever to the exercise of the Royal authority. They, however, appointed him Regent, and entrusted him with the care of the young King. Here was an instance of the claim of right having been actually made, and an instance likewise that it had been fully decided upon by the then Parliament, who declared, that no such right existed, either from the law of the land, or from precedent. The rights of Parliament were congenial with the Constitution. Mr. Pitt referred the Committee to every analogy that could be drawn from the principles of the Constitution, and he contended, that the only right would be found to exist in Parliament, describing it as a right capable of so effectually providing for the deficiency of the third branch of the Legislature, as to enable them to appoint a power to give sanction to their proceedings, in the same manner as if the King was present. As the power of filling the throne rested with the people at the Revolution, so, at the present moment, on the same principles of liberty, on the same rights of Parliament, did the providing for the deficiency rest with the People. He declared, that he felt himself inadequate to the great task of stating the rights and privileges of the Constitution, and of Parliament; but he had made it appear, as plainly as he could, that no right existed any where to exercise the whole, or any part, of the Royal prerogatives, during the indisposition of the Sovereign. He had also proved, that from the necessity of the case, it rested with that and the other House of Parliament, to provide for the deficiency in the Legislature. He supposed that doubts might be stated as to the propriety of coming to any decision on the question, and that he might be charged with having stirred notions, dangerous to the State; but such questions, he begged it to be remembered, he had not stirred. When questions concerning the rights of the People, the rights of the Parliament, and the interests of the Nation, were started, it was necessary, if the House had a right on the subject, to exercise that right; it was their duty; it was a matter that could by no means be lightly given up. If it was their duty, in the present calamitous state of the Nation, to grant power, they ought to know how they granted such power. They must decide either in the manner of a choice, or as acting judicially, to recognize a claim of right; and if they recognized such claim, it would be an acknowledgement that they had no power to deliberate on the subject. If they

did not come to some decision, they would confound their own proceedings, and it would be highly dangerous to posterity, in point of precedent. They were not, therefore, to consult their own convenience. He remarked, that, originally, the claim of right had been asserted by the right honourable gentleman, in strong and lofty terms, but that the tone had been since somewhat lowered. He noticed a declaration that had been made elsewhere, of no intention of asserting a right; but it had been made in words, and there were no parliamentary grounds to go upon, that a right would not be, at some future period of our history, attempted to be either assumed, or asserted. He declared, he could see no possibility of the Committee proceeding a single step farther, without knowing on what kind of ground they proceeded; and, therefore, it became indispensably necessary to have the question of right decided. The danger of the question originated in its having been stirred, not in its being decided; the danger of the stirring would be done away by the decision; but the leaving it undecided, and equivocal, would be highly dangerous. The decision of both Houses could be attended with no dissention, but, if the right of Parliament was not confirmed, the measures of both Houses would be imputed, he feared, rather to motives of personal interest and convenience, than to a due regard for the interest of the country. The measures which he meant to propose, were dictated by no other motive, than an anxious desire, in conformity to his duty, to provide for the safety of the King, the rights of Parliament, and the interests of the People.

Mr. Chancellor Pitt, previous to the conclusion of his speech, adverted to what he described as the opinions stated by a noble Lord (Rawdon) in another place, (the House of Peers) in contradiction to his assertion, that the Prince of Wales had no more right to assume the Regency, than any other individual subject. He said, that he understood, that in arguing that matter, some very extraordinary modes of reasoning had been resorted to. Among other conceived proofs, that the right of the Prince of Wales were different from those of other subjects, it had been contended, that the Prince of Wales was, in an old record, quoted by Lord Coke, pronounced one and the same with the King. The fact certainly was so; but to draw from such a circumstance an argument, that the Prince had a right to exercise the Sovereign authority, under the present circumstances of His Majesty's unfortunate incapacity, was an inference so monstrous, that he should think he deserved censure for sporting with the gravity of the House, if he suffered himself to treat it with the least gravity whatsoever. In truth, a very different

ferent conclusion might be drawn from the whole of that record, the metaphorical language of which was not to be taken in a literal sense, in that or any other point of so much importance. Another position, laid down at the same time, and in the same place, was, that the Prince of Wales, as Heir Apparent, and being of full age, could assume the exercise of the Sovereign authority, if His Majesty's infirmity had occurred when Parliament was not sitting; but that doctrine had been so expressly contradicted in that House, by the right honourable gentleman opposite to him, when the subject was last agitated, that it was needless for him to say a syllable more relative to its nature. A third argument, urged in support of the Prince's right, was, that a Prince of Wales, when he came to the Crown, could sue out an execution, as King, in a cause in which he had obtained a judgment as Prince of Wales. But, what was there decidedly conclusive in this position? The reason why the Prince of Wales had this advantage over other subjects, was obvious. If the son of a Peer, who had maintained a suit in the Courts in Westminster Hall, and obtained a judgement, succeeded to his father's honours before he had sued out an execution, he could not sue out an execution, without previously identifying himself, and satisfying the Court that he was the same person who had prosecuted the suit, and obtained the judgement. And why was not the Prince of Wales obliged to do the same? For this plain reason, the Courts of Westminster Hall are holden in the name of the King, and therefore, in his own Courts, it must be a matter of notoriety, that, on the demise of the Crown, the Prince of Wales had succeeded to it, and become King: but were these arguments multiplied ten times over, what did they prove? Merely, that the Prince had rights, of some sort or other, peculiar to himself; but, did they prove, that he had a right to exercise the Sovereign authority, on his father's incapacity, without the consent and declared approbation of the two remaining branches of the Legislature? No more than a proof, that a man having an estate in Middlesex, was a proof that he had another in Cornwall, and a third in Yorkshire. In fact, all these arguments put together, regarded and considered with a reference to the point in dispute, whether the Prince of Wales, as Heir Apparent, had a right to exercise the Sovereign authority, during the incapacity of His Majesty, were so irrelevant, so foreign to the question, and so perfectly absurd, that they were not to be relied on as law, even if they came from the mouth of a Judge. With respect to the strong and lofty assertion that had been at first made of the right of the Prince of Wales, as Heir Apparent, to assume the exercise of the Sovereignty, it was sufficient

cient to observe, that this doctrine was retracted. Upon this occasion, he should beg leave to recall the word, and say, not retracted, but disavowed. This reminded him of the precedent in the reign of Henry the Sixth, during which the Duke of Gloucester quarrelled with the Bishop of Winchester, which disagreement rose so high, and was carried so far, that at length the Duke brought a criminal charge against the Bishop, accusing him of having, in a former reign, advised the Prince of Wales, afterwards Henry the Fifth, to assume the Sovereign authority in the life-time of his father, Henry the Fourth. Though this charge, if proved, would have been high treason, the Bishop desired that it might be referred to the Judges, and that its validity might be determined by the strictest investigation. The quarrel, however, was compromised, on grounds of personal convenience, and the charge never came to a legal decision. When, at the close of his speech, Mr. Pitt had endeavoured, by many arguments, to establish the right of the two Houses of Parliament to provide the means of supplying the defect in the case of the King's incapacity to exercise the Sovereign authority, Mr. Chancellor Pitt expressed his hopes that he should impress the House with a conviction, that if they had a right, they had also a duty; a duty, which neither their allegiance nor their affection to their Sovereign, would allow them to dispense with. It was their duty, at this time, not only unequivocally to declare their right, so that it might remain ascertained, beyond the possibility of all question hereafter, and become secured to posterity, but to proceed, without delay, to exercise their right, and provide the means of supplying the defect of the personal exercise of the Royal authority, arising from His Majesty's indisposition. Upon no account did it appear probable, that their decision could either occasion a dissention between the two Houses of Parliament, or produce mischievous consequences of any kind whatsoever. On the contrary, if the right were not declared, as well as decided, it would appear that the two Houses had made a compromise, unbecoming themselves, and had acted upon personal motives, rather than a due regard to the true interests of their country.

Mr. Chancellor Pitt now read his two Resolutions, as follow; and afterwards moved the first, which was carried unanimously.

I. "That it is the opinion of this Committee, That His "Majesty is prevented, by his present indisposition, from "coming to his Parliament, and from attending to public "business, and that the personal exercise of the Royal au- "thority is thereby, for the present, interrupted."

II. "That

II. " That it is the opinion of this Committee, That it
 " is the right and duty of the Lords Spiritual and Temporal
 " and Commons of Great Britain, now assembled, and law-
 " fully, fully, and freely representing all the estates of the
 " People of this Realm, to provide the means of supplying
 " the defect of the personal exercise of the Royal authority,
 " arising from His Majesty's said indisposition, in such
 " manner as the exigency of the case may appear to re-
 " quire."

Resolved, " That for this purpose, and for maintaining
 " entire the constitutional authority of the King, it is ne-
 " cessary, that the said Lords Spiritual and Temporal and
 " Commons of Great Britain, should determine on the
 " means whereby the Royal assent may be given in Parlia-
 " ment to such bill as may be passed by the two Houses of
 " Parliament, respecting the exercise of the powers and
 " authorities of the Crown, in the name, and on the behalf,
 " of the King, during the continuance of His Majesty's
 " present indisposition."

The *Master of the Rolls* declared that, till within the last ten days, he never had heard of there existing any right in his Royal Highness the Prince of Wales, whether assumed the *Rolls*, or attached, upon the declaration of the two Houses of Parliament of the temporary incapacity of the Sovereign, to exercise the Royal authority during such incapacity. Having quoted a great variety of legal authorities, to prove the reverse to be the fact, the *Master of the Rolls* added, that he begged leave to call upon the learned gentlemen of his own profession, to point out the statute that contained any recognition or declaration of such a right's existence, or any law-book whatever; and he contended, that he could, with ease, refer to several statutes and law books, likely to have noticed it, if any such right had existed, but they were all of them completely silent on the subject. As to what had fallen from a noble and learned Lord (Loughborough) in another place, (the House of Peers) on the preceding Thursday, respecting the Prince of Wales and His Majesty being deemed one and the same person, in a particular record, he should think it sufficient to answer, that he had read the record, and that its sense was metaphorical. Sir Richard considered the precedent in the reign of Henry the Sixth, and alluded to what he described as its pointed analogous reference to the present case. He declared, that he had no doubt whatever, but that it was the constitutional right of both Houses to provide for the interruption of the Royal authority, during the continuance of His Majesty's illness; and surely, he remarked, the best way to testify a proper respect for his Royal Highness, would be by deciding in favour of the

the rights of Parliament, on the preservation of which the welfare of the Crown, and the interests of the People is essentially depended.

Mr. Loveden. Mr. *Loveden* expressed his ardent wishes, that the House would meet the motion of the right honourable gentleman with their fullest concurrence, and thought it a most desirable object to be attained in the conduct of the present truly important proceedings. He, notwithstanding, must desire leave to ask the right honourable Mr. Chancellor Pitt two questions; and the one was, whether by these Resolutions that had been just read, he meant to preclude his Royal Highness the Prince of Wales from being Regent and sole Regent; the other, whether by the words towards the end of the right honourable gentleman's speech, relative to motives of private interest or convenience, the Committee were to understand, that such gentlemen as would not submit to vote for the Resolution, would have their votes imputed to private interest and private convenience.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* answered, that it would afford him the utmost pleasure to give any gentleman the fullest satisfaction, if he appeared to have misunderstood any part of his observations. With regard to the first of the two questions, whether he meant by the Resolutions to preclude his Royal Highness the Prince of Wales from being Regent, and sole Regent? He believed, gentlemen knew, that he had on the preceding Friday very fully intimated his individual sentiments on the subject, and had declared, in express terms, that it was, in his opinion, highly desirable, that whatever part of the legal power it was necessary should be exercised at all, during this unhappy interval, should be vested in a single person, and that person his Royal Highness the Prince of Wales. The present Resolution was only calculated to declare the right of the House in concurrence with the House of Lords to appoint a Regent, and to leave it open for them to determine in a subsequent stage who the Regent should be. With respect to the honourable gentleman's conceiving that he had said, that those who would not submit to vote for the Resolutions, would have their votes imputed to motives of private interest and convenience, he should be heartily ashamed if he could have been indecent enough to have been guilty of so much rudeness to that Committee, or any individual members whatsoever. In mentioning the construction which the world might possibly put upon their conduct at that moment, and under the peculiar circumstances of the case, he had remarked, that if when the essential constitutional rights of the two Houses were questioned and doubted, they refused to vote resolutions that would decide upon them, and insure them to their posterity, they would render themselves liable to have their conduct imputed

puted rather to motives of personal interest and personal convenience, than to a due regard to their duty and that attention to the honour and safety of the Crown, as well as to the preservation of their own clear and invaluable Constitutional Rights which they owed to the Country and to themselves.

Mr. *Bastard* observed, that his sole motive for intruding himself upon the attention of the House, arose from the extreme ardor of his wishes to promote the public good; and, therefore, without looking to the right or to the left, being equally indifferent to both parties, he coulu, he trusted, with unsuspected earnestness, intreat Ministers, before they pressed the Committee to come to a vote on the question, to consider the consequences which it might, possibly, produce. He professed himself anxiously desirous that there should be unanimity in the progress of so important a busines; and by unanimity he did not merely mean unanimity within those walls, but unanimity between the two Houses of Parliament. Should the Houle of Lords decide differently from the Commons, such consequences might arise, as he could not reflect on without horror. What possible advantage could result from pressing the Resolution in its present form? He had heard of a declaration in another place (the House of Lords) from high authority (the Duke of York) that his Royal Highness the Prince of Wales had no claim of right whatever on his part, and that he felt too much sincere regard for those sacred principles which had seated the Brunswic family on the throne of these realms, ever to assume or exercice any power, be his claim what it might, not derived from the will of the people, expressed by their House of Peers and the representatives of the People in Parliament assembled. Why then should a Resolution be pressed, where no claim had been made, and an assurance had been given, that no claim would be made? Mr. Bastard advised the leaving out the word right and confining the resolution, to the words, "that it was their duty to provide," which, he said would in effect answer the same end, and at the same time avoid the risque of provoking a disagreement between that and the other Houle of Parliament. At present he believed that the right honourable gentleman at the head of the Exchequer, stood higher in the esteem of the People than the right honourable gentleman on the side of the House on which he then spoke; and, therefore, eagerly did he hope, that a regard to his own credit, and the favour which he stood with the Public, would induce him to alter his motion, and prevent the possibility of provoking that danger which he had described, in the early part of his speech. In conclusion, Mr. Bastard observed, that he the more fervently urged

urged this point, because he saw not the smallest possible advantage that could result from pressing the question, word as it was, on the Committee.

Ld. North. Lord North premising that, on the present occasion, had not risen to answer the question of the honourable gentleman who spoke last, and who had asked what possible advantage there could result from it. On the contrary, agreed with the honourable gentleman, that, deciding the question, might lead to consequences, which it ought to their study to avoid incurring. It appeared to be a dangerous and pernicious question. Having desired to have the question read, Lord North declared, that he felt most objection to the second part of this question, though he likewise felt much objection to the first part as well as to the cond. The right honourable gentleman had remarked, that he was afraid, unless the Committee decided on that question and this in the way he thought right, that the country would conceive they had been actuated by personal motives. did not strike him, that, by agreeing with the right honourable gentleman, and voting that question, they would appear have acted with greater impartiality, or that the public would be convinced that they had been actuated by motives less personal than if they did not vote it. Their much-loved Sovereign was at present in a melancholy state of health, and they all hoped, that by the blessing of Heaven he would recover; but, after the fact was established of the incapacity of the Sovereign to exercise his Royal authority they ought immediately to proceed to restore the third branch of the Legislature, and the sooner they did that necessary duty, the less would their proceedings be liable to imputation of their having proceeded upon personal motives. The two Houses of Parliament were the true and lawful representatives of all the estates of the People. But he begged the Committee to consider, that, in consequence of that melancholy misfortune which they all deplored, in which every man of feeling must deplore, they were sitting not indeed in the form of a convention (because it happened that the two Houses of Parliament had been regularly called together) but with no more authority than a convention professed, to do that duty which the calamity of the moment called upon them to perform. Under such circumstances sitting there in a maimed and imperfect Legislature, they ought to confine themselves strictly to the necessity of the case, since every step that they proceeded beyond the necessity of the case, was a step in error, and a step which they ought not to take. Every step they had hitherto taken had been strictly justified by the necessity of the case. Within the third branch of the Legislature, they had no power

and, therefore, they ought immediately to proceed to fill the vacancy that unfortunately existed, and not to enter into a discussion of abstract and speculative questions, which tended only to dissention and mischief. What good could arise from deciding the present question? And if no good was likely to result from it, he hoped the Committee would go along with him in preventing the mischief, and proceed immediately to the business, the only business before them, the filling up the third branch of the Legislature. He would give his vote for filling up the deficiency without saying what the rights of the two houses were, or what they were not. An express declaration had been made elsewhere, that it never was the intention to urge the claim: Where then existed the danger to the rights of Parliament when no plea was offered in bar? He supposed, however, that the question was only introduced to be over-ruled, and that, as they agreed as to the two great essential points, the right honourable gentleman was determined they should not proceed from the first to that which ought truly to be second, without some altercation by the way. If there had been any question, as to who ought to be entrusted with the Regency, the question of right might have been with some plausibility brought forward. They were unanimous upon the principle, and, therefore, why should they fall out about the forms? They ought to go straight to their object, concerning which, they were all agreed. The motion, he observed, called upon him to declare the rights and duty of the Lords, spiritual and temporal. What right had that House to interfere with the rights and duties of the other House? In the second part of the question, he saw a project for passing a bill; a project, directly violating the fundamental principles of the constitution, and to which, for that reason, he could not agree. What right had that House to make laws? To pass a bill, was to do an act of legislation, and to assume, into the hands of the two Houses, powers that did not belong to them: powers that the constitution had placed in the hands of Kings, Lords, and Commons, in Parliament assembled, and in their hands only. The plain road of proceeding was easy and short. Proceed directly to nominate a Regent, and then, when the third branch was restored, and the Legislature was compleat, they would become a Parliament, perfect in all its constitutional forms, and they might legally pass any laws, either of limitation, restriction, or of any other kind. But, to attempt to proceed otherwise, was to trench on the prerogatives of the Crown, while they lay at their mercy. Upon this occasion, Lord North observed, that, however respectable the opinions of his right honourable friend (Mr. Fox) were, it was making him of more importance, than he

would wish to have annexed to him, to ground a public proceeding of that House.

He felt, that he could not either too earnestly, or too repeatedly contend, that it was the duty of the Committee, to imitate the example of their ancestors at the Revolution, and proceed, without discussing speculative and abstract questions, to declare a Regent; no right, that belonged to that House, had been claimed, and therefore the best mode of establishing their right, would be, "by resorting to its immediate exercise. How had those great men thought it their duty to proceed, who settled the Revolution?—to declare a vacancy, and to fill it. Had not old Maynard said "The Throne is vacant, " but the law and the constitution remain. It is our duty " to restore the regal power, and render the Legislature complete." That hint had been followed; they had not lost time, in discussing theoretical questions, on which, some might adopt one mode of reasoning, and some another; but they had at once declared, the Prince of Orange King. In like manner now, instead of agitating the question of right, where no question had been formally made, and where such a discussion could only lead to error, and to difference of opinion, they ought to declare a Regent, and thus restore the third estate. They had established the present temporary defect in the constitution, by the resolution they had just voted. The next duty they had to perform, was, without the loss of a moment, to supply the deficiency. The second part of the proposition, which, they were told, was necessarily connected with the first, contained a project of a very extraordinary nature, by which means were to be devised, a pretty new device, he would take the liberty of saying—[His Lordship was here informed, that the words were to determine on the means]—to determine on the means, whether that was the phrase, or that means were to be devised, it was much the same thing; but, if they determined on any other means, than that of immediately declaring the Regent, they would go beyond the necessity of the case, and subvert the fundamental principles of the constitution. The project was, to pass a bill. To pass a bill, was do an act of legislation, and to make a law. Could that House, which had not the power, in their present character and capacity, to receive a petition for a turnpike bill, proceed to legislate? Did they forget the two Houses were by statute declared incapable of making laws without the King? Did they mean then, to take into their own hands, the dormant and suspended prerogatives of the Crown? Would they assume the Sovereign Authority, abandon all the principles, established in 1688, and recast the constitution? While they were unnecessarily jealous of their own rights, would they thus trample on the rights of the Crown, and without either preferring a claim,

or asserting a right, the existence of which, the plain language of the constitution expressly denied, arrogate to themselves the regal powers? In conclusion, Lord North returned the Committee thanks, for their indulgence, and moved, "That the Chairman leave the chair, report progress, and ask leave to sit again," declaring, that he made that Motion, with a hope, that when the Committee sat again, they would meet, under the impression of more constitutional sentiments, and with a better regard for the principles established at the Revolution, than they appeared to be, impressed with at present.

Mr. Powys asserted, that in so critical a moment as the present, every gentleman ought to avow his opinion. For his own part, he was averse to a declaration of the rights of that House, when no claim had been made, that rendered such a declaration necessary. How unguardedly rash was it to declare, that the Prince of Wales had no more right to the Regency, than any other individual subject, and how dangerous to broach such doctrines! Mr. Powys added, that he did not mean any thing invidious, or personal, in the references to such an assertion, but merely to express his opinion, that any man who made an assertion of that sort, did not adopt a line of conduct likely to preserve the temper and moderation that ought to mark their proceedings on so solemn an occasion. He concluded, by seconding the vote of amendment.

Mr.
Powys.

Mr. Rolle remarked, that perfectly as he was convinced that every man ought to avow his opinion in such a critical moment, he should not hesitate to declare, that he thought the question of right indispensably necessary to be discussed and decided, after what had passed in that House, and elsewhere. Mr. Rolle said, that he always acted as his conscience dictated, and delivered his sentiments with the same indifference to parties, that his honourable colleague had said he did. He had no doubt, that, however they might differ in opinion, as to the means of attaining the end, they both meant to secure the same object. He had told his constituents to their faces, (as his honourable colleague well knew) that it was measures, and not men, to which he looked; and that so long as the right honourable gentleman at the head of the treasury, appeared to him to be actuated by principles of loyalty to the King, and of zeal and regard to the interests of the nation, and the constitutional rights of the subject, he should have his support, but no longer. The right honourable gentleman's conduct hitherto had been such as, in his opinion, well entitled him to the confidence and applause of the country; he had restored our commerce, and exalted the national character, both of which were in a state of ruin and degradation when the

right

right honourable gentleman was placed at the head of affairs. On the present occasion, the right honourable gentleman seemed to be actuated by an anxious and an ardent wish to preserve the rights of the Crown safe and entire, in a moment of singular calamity and misfortune, and, therefore, his honest endeavours should have his support. Mr. Rolle professed great respect for the Prince of Wales, declaring, that no man wished more sincerely well to his interest than he did, and, that when his Royal Highness should be Regent, and invested with such powers and prerogatives, as should be deemed consistent with the safety of the Crown, and the welfare of the People, no man would serve him with more loyalty.

Attorney
General.

The *Attorney General* remarked, that, in obedience to the dictates of his duty, he had used some industry, in looking into the subject of the present debate, and had adverted to the arguments of the noble Lord, with the respect owing to his ability and experience; but he must at the same time say, that the noble Lord's acute discernment never appeared to him to have failed so much, as on the present occasion. The objects which the noble Lord was anxious to attain, were the very objects of the present motion; expedition and constitutional certainty. No loss of time could be incurred, by determining that it was the right and duty of the Lords and Commons, to provide for the present exigency. On the contrary, such a resolution was a necessary foundation for all their future proceedings, as well as to vindicate the rights of the whole community. He desired, that the distinction between the politic, or official capacity of the Crown, and the natural and human capacity of the person of the King, might ever be kept separate; for, upon that distinction, the whole rectitude of their proceedings depended. The politic capacity was invulnerable, the natural capacity was otherwise. The former required no supply, the latter only, unfortunately did. The mode in which the latter was in ancient times supplied, lay in some obscurity. Whether in tender infancy, the expression of the King's will, by his great seal, was directed by his Privy Council, his great Council of Peers, or his still greater Council of Parliament, was a matter of some obscurity; but that it was so manifested, is certain, and that manifestation by the great seal, is proved by the Rolls of Parliament, uniformly to have been deemed necessary. In what shape it was to be manifested in the present instance, would be the subject of future consideration. He admitted, with the noble Lord, that to act, and not to determine, abstract questions, was the duty of the Committee: but, he must also contend, that it was impossible to consider the explaining the

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the principles upon which the Committee acted, to the community at large, as an abstract question, or so to consider it, with a view to conduct which, for the benefit of that community, they were bound to observe. He begged leave to advert to the situation in which both Houses of Parliament, now assembled in obedience to the King's writ of summons, were particularly placed. They were the only possible counsellors, to advise the King's politic capacity, as to the mode in which the exercise of the natural capacity might be supplied, in the present situation of affairs. The Attorney General dwelt upon the distinction between the natural, and the politic capacity of the King, which constituted the difference between an absolute vacancy of the Throne, (which existed at the Revolution) and a temporary supply of some of its natural functions. He observed, that the question had been greatly narrowed, by the noble Lord's proposing in effect, that the present debate should be put an end to, upon the supposition, that its continuation must be attended with public disquietude, and that the Heir Apparent having tendered no formal claim, rendered it unnecessary. He adverted to the person, and the manner, in which that claim had been introduced; not by a Member of the House, casually, and, as it were, by conjecture, but by a great statesman, anxiously, studiously, and upon full consideration, desiring to be understood, to do it *in limine* of the whole proceeding, on the very moment of presenting the Report of the Committee for enquiring into the state of the King's health. A degree of acclamation had attended that proposition; but, for his own part, he must protest, that so long as any one Member in that Committee professed himself to adhere to that proposition, he should himself take the sense of the House, upon the present question. Their ancestors and predecessors, in that House, had furnished them with too clear and perfect examples, nearly similar, at two different periods, at the distance of thirty-two years, in the reign of King Henry VI. founded, as the Parliamentary records declare, on a search of former precedents. From that time, no precedent could be expected, as no occasion called for any such provision till the reign of King Henry VIII. when Regency acts began, which had, from time to time, been renewed. It would, therefore, be leaving their ancestors in the lurch, if the Committee deviated from those examples, founded on all preceding practice, which proved a Regent to be unknown to the common law of the land, and a mere creature of Parliament. For the purpose of enforcing this point, the Attorney General adverted to the Rolls of Parliament, which proved, that when the Duke of York was made Regent, by King, Lords, and Commons, in the reign of King Henry VI. a patent was directed to be sealed

sealed, in favour of the Prince of Wales, when he should come of age, which demonstrated, (as he contended) that without a patent, the Prince of Wales, when of age, could not claim, as of right, much less assume, the Regency of this realm. With respect to the disquietude of the minds of the subjects of Great Britain, he insisted, that this great question, having been anxiously introduced by a right honourable gentleman, it must now be settled for all posterity. If the members of that question were suffered to remain smothering, they might hereafter burst out in a conflagration, extremely difficult to extinguish: but, it had been said, that the present question was entirely new, and he would, for the sake of argument, consider it in this light, yet, at the same time, assert, that it brought forward no novelty whatsoever. If new, this principle must be adverted to, which was the foundation stone of the liberties and privileges, that British subjects enjoy: that although the necessity of some government amongst human beings, is as apparent, as that of food or cloathing, yet, that the powers of government must be derived from the community at large; and that it must be clearly and distinctly shewn that they have parted with any specific power, claimed even by the Crown, much more by its substitute. The evidence of this could only be, by usage, or written law; and he challenged the gentlemen of his own profession to maintain, whether there existed one single document, *dictum*, or syllable, which maintained the present doctrine; and, whether there did not exist the most profound authorities to the contrary? He then enlarged upon the several species of property, in order to shew, that nothing could be derived from analogy to them, whether it consisted of personal or real property, of offices, or dignities, which could support the argument, against the present question. He conjured the House, not to skulk from the real and substantial question of their rights, under the shelter of a sort of previous question, but, manfully to recollect, that they were themselves acting, not for themselves personally, but for the people of Great Britain, and for the subjects of the empire, from the highest to the lowest. The dead silence of the whole law, upon this common-law right of a Regent, was a strong proof that it was unknown. If there were such a common law officer, he asked how our ancestors, when framing the coronation oath, the counterpart of the oath of allegiance, had not directed that it should be administered to Regents, as well as to Kings? Whereas, according to the doctrine of the day, a Regent was to step into the Throne, without such pledge given to the people of the land for the enjoyment of their rights, civil and religious. This dead silence, as to common-law right, was, however, interrupted

rupted by the powerful language of Parliament, when it granted a reversionary patent to the Prince of Wales, then a minor, when he should come of age. It seemed as if this had been done to preclude any claim of right for ever; and, he hoped, and trusted, that, on the present occasion, we should reap a benefit from such a lesson.

Mr. Fox observed, that some remarks which had fallen from *Mr. Fox.* different speakers, in the course of the debate, compelled him to break silence, although it had not been his intention to have troubled the Committee, and, indeed if he had thought it necessary, after what the House had before heard from him on the subject, to enter into any farther justification of his opinion, which he did not, he was not, from personal indisposition, capable of doing that justice to its defence, which he was sure it deserved. Not thinking it necessary to make such a defence, he would treat the question only in a collateral way, and therefore should not have occasion to detain the Committee very long, nor was there danger of his injuring that cause which he had engaged in, by any deficiency of reasoning resulting from his present state of bad health. Any man would imagine, that from the weakness of the arguments advanced on the other side, those who had used those arguments, wished to provoke him to debate the right of his Royal Highness the Prince of Wales to exercise the Sovereign authority, during the incapacity of the Sovereign. From the extreme futility of their reasoning, from the glaring absurdity of their inferences, the false premises they had laid down, and the irrelevant and inapplicable precedents, which they pretended to rely on, they, perhaps, thought that they held out a temptation so strong, that flesh and blood could not withstand it. Could the right honourable gentleman and his friends suppose that the Committee would think them serious, in supporting the system they meant to proceed upon in the present exigency, by producing the sort of precedents to which they had referred?— What a miserable system must that be, the prominent features of which were so disgraceful? Was the practice of the present times, times so enlightened, and in which the principles of the Constitution were so well understood, to be grounded on precedents drawn from so dark and barbarous a period of our history as the reign of Henry the Sixth, and were the rights of that House of Commons, and its proceedings in one of the most difficult moments, that had ever occurred, to be maintained and vindicated by the example of the House of Lords, at a time that the rights of the Commons House of Parliament were so ill understood, or so weakly sustained, that its Speaker was actually in prison, on *commitment of the House of Lords;* in prison upon a judgment

in favour of that Duke of York, whose measures Administration had avowed it to be their intention to imitate? the Committee reflect a moment on the period, the infra-
transactions of which were chosen to be made the model for the proceedings of this day; that period which led immediately to the wars between the Houses of York and Lancaster, and was that melancholy æra at which all the dismal scenes of anarchy, confusion, civil warfare, and bloodshed, that long desolated the kingdom, and reduced it to a state of parallelled disgrace and distress, commenced. Were the Committee to select their precedents from such times, to govern their conduct by such examples? From a time, when the House of Commons was prostrate at the feet of the House of Lords, when the third estate had lost all energy and vigour, and when all the power lay wholly in the hands of the Barons. Precedents drawn from such times cannot be resorted to with safety, because there was no analogy between the Constitution then, and the Constitution as established at the Revolution, and since practised. All precedents taken from periods preceding the Revolution, must be precedents which bore no analogy to the present case; for, at no one period before the Revolution, was the liberty clearly defined and understood, the rights of the different branches of the Legislature ascertained, and the spirit of our Constitution felt and acknowledged.—The earlier periods of history were such, as only shew the changes of hands into which our power shifted, as circumstances of the times ordained. In one reign, power would be found to have been in the King, and then there was an absolute tyrant; in others, the Barons possessed and held both King and Commons in the most slavish subjection; sometimes the democracy prevailed, and all the oppressions of a democratical government were practised in the fullest enormity. No precedent, therefore, drawn from times so variable, where right and wrong were so often confounded, and where popular freedom had neither an essence nor a name, should be considered as of the least authority whatsoever. Amidst all the precedents, he desired to know if they had found one of a Prince of Wales, of age and full capacity, who had been denied the exercise of the Sovereignty, during the known and declared incapacity of the Sovereign? One of the precedents the right honourable gentleman had mentioned, leaned rather that way; it meant the precedent in the reign of Edward the Third, where the Prince of Wales, though a minor, was declared Regent, in the absence of his father. With regard to whether the right honourable gentleman had stated of the quarrel between the Cardinal de Beaufort and the Duke of Gloucester,

was that at all in point to the case to which the right honourable gentleman had so invidiously applied it? What was that charge? A charge that Cardinal de Beaufort had, in the reign, and during the life-time of Henry the Fourth, advised the Prince of Wales, afterwards Henry the Fifth, to take upon himself the exercise of the Sovereign authority. Was there the smallest degree of analogy between the illness of Henry the Fourth, and the known cause of the incapacity of our present Sovereign? Henry the Fourth was afflicted with a languor, the natural concomitant of age, and in his case, the consequence of a fever, and long sickness; but was Henry the Fourth, therefore, incapacitated from the exercise of the Sovereign authority? By no means: he might not be able to meet his Parliament, but, most undoubtedly, he was not disabled from executing public business of any other nature. He was in full possession of his mental faculties, could issue his orders, and instruct his Ministers, just as well as he had exercised these powers in the fullest vigour of his youth. To advise the Prince of Wales, therefore, under such circumstances, to take upon himself the Sovereign authority, was to advise him to be guilty of high treason, and had the Prince of Wales been so advised, and followed the advice, the Prince would have been guilty of high treason, and have subjected his life to forfeiture. It was no wonder, therefore, that Cardinal de Beaufort, feeling the weight of such an accusation, as that urged against him by the Duke of Gloucester, and knowing the serious consequences to which it led, should such a charge be proved against him, acted wisely in avowing his innocence, standing upon his defence, and desiring to have the matter referred to the Judges, that he might be purged of the guilt imputable to so foul an offence.

Upon the present occasion, there had been two assertions of positive right on both sides of the House. On his side, the assertion of the right of the Prince of Wales, being Heir Apparent, and of full age and capacity, to exercise the Sovereign authority during His Majesty's infirmity. On that of the right honourable gentleman, the assertion that the Prince had no more right to exercise the Sovereign authority, under such circumstances, than any other individual subject. He did not understand the invidious dignity he had been exalted to on this occasion, nor could he admit what the honourable and learned gentleman, who spoke last, had been pleased to lay so much stress upon, that any opinion delivered in that House, by so humble and insignificant an individual as himself, or by any Member of what rank and degree soever, ought to be made the ground of a proceeding *of the House*. But, since the right honourable gentleman

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was determined to make a personal question 'twixt them, since he condescended to consider himself his rival, and chose to have recourse to his majority, why would he not try his opinion, and let the question be, "That it is the opinion of this Committee, that his Royal Highness the Prince of Wales, being Heir Apparent, and of full age and capacity, has no more right to exercise the Royal authority, during His Majesty's incapacity, than any other individual subject." The right honourable gentleman well knew, that he dared not venture to subject such a question to debate. He well knew, that, with all his majorities, he could not risk it; he well knew, that if he could have so far lost sight of prudence, as to have hazarded such a question, notwithstanding his high character, and his known influence within those walls, there would not have been twenty Members, who would have supported him in it. In fact, he well knew, that the moment he let such an opinion escape his lips, it would be execrated by all who heard it, and that it had been since execrated, by all who had heard of it, out of doors. What had been the result of this? Conscious of his error, and conscious that so monstrous a doctrine as he had suffered himself, in an evil hour, to deliver, had revolted the public mind, the right honourable gentleman had seized on the first ~~moment~~ that offered, to qualify what he had said, by unnecessarily coming forward with a declaration, that, though he would not admit the Prince of Wales's right to exercise the Sovereign authority, during the incapacity of his father, yet he confessed that, on grounds of expediency, and as a ~~matter~~ of discretion, the person to hold the Regency ought to be the Prince of Wales, and no other. This mode of argument, Mr. Fox observed, reminded him of what had passed in the House about thirteen years before, between an eminent Crown Lawyer, now the first law character in the Kingdom, (the Lord Chancellor) and himself. At the time to which he referred, the argument had been the right of this country to tax America, when he had contended, that Great Britain had an undoubted right to tax her American Colonies, but, that the exercise of that right would be, in the highest degree, unjustifiable on the part of Great Britain. In answer to this, the great Lawyer, with a quaintness peculiar to himself, had said, "I should be glad to know what that right is, which, when attempted to be exercised, becomes a wrong." In the present case, the right honourable gentleman had acted upon the converse of the great Lawyer's maxim, having pronounced the right a wrong, and then immediately proceeded to exercise it in the most effectual manner. In one point of view only, could he imagine the existence of a right, which, when exercised, might become a wrong: as for instance, the

three branches of the Legislature, consisting of Kings, Lords, and Commons, had a right to authorize and act a moral evil. They might set aside the succession, and deprive the Prince of Wales of his hereditary right to succeed his present Majesty; but this enormity could not of right be practised by the two Houses of Parliament, independent of the consent of the Sovereign, any more than the Minister could set himself up in competition with the Prince of Wales, and contest with him, as a claimant, for the Regency. For his own part, he could not hesitate to repeat his opinion, that a right attached to the Prince of Wales, as Heir Apparent, to exercise the Sovereign authority, upon the King's incapacity being declared by the two Houses of Parliament; the Prince's right, however, being all along considered as subject to the adjudication of the two Houses of Lords and Commons. This opinion he had not changed, nor did he feel the smallest disposition to change it; and, indeed, the honourable and learned gentleman who spoke last, seemed to coincide with his sentiments, that he had, if he understood him rightly, expressly declared, that in case of the demise of the Crown, nothing short of an act of exclusion could prevent the Prince from succeeding to the throne, and that even nothing short of such conduct as would deservedly warrant an act of exclusion, ought to throw out a Prince of Wales, of full age, and full capacity, from the Regency. The counter opinion to his was fraught with so many, and such enormous evils, that he was persuaded no moderate man, who considered the subject with the degree of attention that it most undoubtedly merited, would, for a moment, maintain it, either on the ground of right, of discretion, or of expediency. Whatever his opinion was, why should that right be discussed, which had been neither claimed, nor intended to be claimed? That this was the precise state of the fact, was not to be doubted, after the declaration which had been so graciously communicated from the highest authority in another place. Of the manner in which that communication had been made, and the commendation that was due to the exalted personage who made it, he would not say one word; because he would not run the risque of having what was due to merit mistaken for fulsome adulation, and servile flattery. But, the claim thus disavowed, how must the preamble of a bill run, truly to describe the case as it stood at present: "Whereas his Royal Highness the Prince of Wales has never claimed a right to the Regency, it becomes necessary for the Lords Spiritual and Temporal, and for the Commons of England, to declare, that his Royal Highness has no right, and we therefore do hereby declare his Royal Highness Sola Regent of these kingdoms." What could prove more

ridiculous, than a bill, opening with this language; and so it must be worded, unless they falsified the fact, and made a course of law a ground-work of the bill. All this difficulty and embarrassment was created, when there was not the smallest occasion for it, since it was the concurrent opinion of all mankind, that the Prince of Wales should be the Regent. Why, then, would the right honourable gentleman thus agitate the matter, unless it were for the little purpose of personal triumph? Extremely censurable were the boasting language used upon this occasion, of gratitude to the Sovereign, and the strong assertions that such gratitude should be exemplified, by the conduct of those, who confessed themselves under personal obligations to the Sovereign. Personal attachment was no fit ground for public conduct, and those who had declared they would take care of the rights of the Sovereign, because they had received favours at his hands, betrayed a little mind, and warranted a conclusion, that if they had not received those favours, they would have been less mindful of their duty, and have acted with less zeal for his interest, than if they had not been indebted to him for any favours. Mr. Fox owned himself indebted to the Heir Apparent, because he had been pleased, for several years, to favour him with his confidence; but that flattering mark of distinction had not been made the subject of his speeches in that House, nor had he ever considered it as a proper motive for his public conduct. Neither, on the present occasion, nor at any time, if he thought the objects of his Royal Highness incompatible with the public interests, should he think he paid a compliment to the Prince, any more than he should think he acted consistently with what was due to his own character, in suffering the consideration of the terms on which he lived with his Royal Highness, to bias him in the smallest degree, or induce him to act contrary to what he, in his conscience, thought most likely to promote the welfare of the public: whereas, the right honourable gentleman appeared to act upon a very opposite principle, and repeatedly introduced the name of the Sovereign, though seldom for any other purpose, than an ostentatious display of the confidence reposed in himself. To the House of Brunswick this country stood, in an eminent degree, indebted; and, indeed, few Princes ever deserved the love of their subjects more than the Princes of that House. Since their accession to the Throne, their Government had been such as to render it highly improbable, that there should ever be ground for an act of exclusion to pass, to set aside one of their heirs from the succession, or that such a circumstance should ever become a necessary subject of contemplation. If the Princes of the House of Brunswick had, at any time, dif- fered,

ferred with their subjects, it had been only on collateral points, which had been easily adjusted in Parliament. No one of the Princes of that House had ever made any attempt against the constitution of the country; although, had such a mischievous design been meditated, a party could have been found in existence, and ready to abet them in any scheme, the blackest and most fatal that ever tyrant devised against the liberties or the happiness of his subjects.

The love, therefore, of the people was due to the illustrious family on the Throne, in so peculiar and eminent a degree, that every circumstance which looked as if it could at any distance endanger the hereditary right of the House of Brunswick to the succession, ought to be guarded against with peculiar jealousy, and peculiar caution. Exclusive of the concurrence of the public voice, not only the spirit of the constitution, pointed out the Heir Apparent as the fittest person to be Regent, but, the Act of Settlement might be defeated if his Royal Highness were passed by, and the doctrine of the right honourable gentleman carried into effect. In adhering to the principles of the Act of Settlement, there could be no ill; if as the honourable and learned gentleman had said, there should be a Prince of Wales, whose political principles were so depraved, that, in opposition to his own natural interests, he should have followed the example of Charles the First, and James the Second, either, in one instance, indicating a determination to become a tyrant, and destroy the liberties of his subjects, by subverting the Constitution, or in the other, so connecting himself with France, and the political enemies of his country, that every thing fatal was to be dreaded from his Government, such a Prince of Wales ought to be excluded from the Regency, in like manner as he undoubtedly would be excluded from the Throne, on the natural demise of his father, or predecessor. But, then, the Bill of Exclusion to pass in such case, must be the work of the Legislature compleat, and not the act of two branches of the Legislature only. Let the Committee consider the danger of making any other person Regent besides the Prince of Wales! If the two Houses could choose a Regent, they might choose whom they pleased; they might choose a Foreigner, a Catholic (for, the law defines not the Regent) who, while he held the power of the Third Estate, might prevail on the other two Branches of the Legislature to concur with him, alter or set aside the succession, and turn away the House of Brunswick, and put them in the situation of the House of Stuart. He saw this doctrine was deemed extravagant, but he meant to put an extravagant case; he had not, however, put an impossible one; let them turn to the favourite period of our history (favourite at least with the other

side of the House, that day,) the reign of Henry VI. and they would find that Richard, Duke of York, took advantage of his power as Protector of the kingdom, and, actually disinherited the Prince of Wales, and the whole line of Lancaster, though they were more nearly allied, and had much better pretensions to the Crown than the House of York. The same dismal scene which had disgraced our annals, at that period, might be acted over again, if the two Houses of Parliament ever concurred to subvert the Constitution, by assuming to themselves the exercise of the Royal Prerogative, and arrogating the right to legislate and make law in the teeth of the statute of the 13th of Charles the Second, which he had, on a former day found occasion to mention, and which not only declared, that the two Houses of Parliament could not make laws without the consent and concurrence of the King, but also declared, that whoever should presume to affirm the contrary, should be guilty of High Treason, and incur the pains and penalties of a murderer.

To make a law for the appointment of a Regent, he considered, so fair as it went, as a conversion of the succession to the Monarchy from hereditary to elective, and what sort of a Constitution that was, which had an elective Monarchy, Poland, and the miserable condition of its subjects, sufficiently evinced. The right to make Laws, rested only in the Legislature compleat, and not in the concurrence of any two branches of it. Upon that very principle was our Constitution built, and, on the preservation of it, did its existence depend. Were the case otherwise, the Constitution might be easily destroyed, because if the two branches could assume the power to make Law, they might, in that Law, change the genius of the third Estate. The present situation of affairs had been compared to the Revolution, but, in fact, it was no ways similar. The Throne had then been declared vacant, and the rest of the Constitution remained. Now, the Throne was declared full, but its authority was suspended. At the period of the Revolution, the Convention which was then assembled, conscious that they could not make any change in the genius of the Monarchy, until they had a head, first restored the third Estate and then defined its power. Whereas the Committee were called on to proceed in a different way; first, to new-cast the Office, and then to declare the Officer. And what must be the situation of a Regent elected by that House? He must be a pageant, a puppet, a creature of their own, *sine ponders corporis*, an insult and a mockery on every maxim of Government! Mr. Fox defined the nature and character of the three Estates. The Constitution supposed each of its three branches to be independent of the other two, and actually hostile, and if that principle was once given up, there was an end to our political freedom. Suppose that the Crown

wn and House of Lords could make laws without the concurrence of the House of Commons, or the Crown and Commons independent of the Lords, or the two Houses of Parliament without the Crown; in either case, the Constitution was gone. The safety of the whole depended on the unity of each against the other; not, on the patriotism of one branch of the Legislature, but rather on the separate efforts of the three, concurring, through different views, to general good, the benefit of the community. A principle congenial to human nature, prone to the extension of power, and to the depression of a rival. All these principles arrangements would be destroyed by the present project, it would radically alter the Government, and of consequence, overturn the Constitution. Mr. Fox explained the peculiar powers of the Crown to defend itself against any encroachment on the part of the Commons, or to resist any in the House of Lords. In the one case, by a Division, the King might resist the attempt on his prerogative, by an increase of the Peerage, he might quell the other. power of giving either an assent or dissent from any Bill, acted equally against the single design of one, or the concatenated union of both Houses to trench on the constitutional rights of the Crown; and, great as obvious was the disadvantage of subjecting the Sovereign to such difficulties, as would be liable to encounter, were the power of dissolution increased of Peerage, and right of giving the assent or not to Bills taken away. If there was to be a Monarch, Monarchical Power ought to be entire, and, for this insatiable reason: because the name and rank of a King, out the possession of regal powers, was a Being which did come within the reach of human conception. If it appeared to the House that the Royal Prerogative ought to be inscribed, let them invest a proper person with it, and openly and manfully contend for the circumscription or limitation of its powers; but, to aim at an adversary incapable of resistance, was neither brave nor noble. Mr. Fox set out (what he termed) the danger of making the King elective, and of the two Houses setting aside the hereditary right to it, insisting that the possession of the Crown, of the executive authority, must, in the nature of things, be governed by the same principles. In order to illustrate he put the case of a Polander asking an Englishman whether the monarchy of Great Britain was hereditary or elective? Any man familiar with the theory of the Constitution would naturally think, that the ready answer would be, that it was hereditary. But if the doctrine of that day prevailed, the answer must be, "I cannot tell; ask his Majesty's physicians, When the King of England is in good health,"

health, the monarchy is hereditary ; but when he is ill, a incapable of exercising the Sovereign Authority, it is elective." The assertion, that the British monarchy was elective, was, however, so palpably hostile to the principles of Constitution, that it would not be tolerated for a moment. How then was the difficulty to be surmounted ? A subtle, politic lawyer might be found, who would plausibly argue, that though it must be allowed that the Monarchy was hereditary, the Executive Power might be elective. Thus, the Crown and its functions might be separated, as if they were in their nature distinct, whereas the one was the essence, and the other the name. Mr. Fox here pursued his argument, in an hypothetical dialogue between the Englishman and Pole, with the occasional aid of the politic lawyer, to reconcile contradictions, and explain apparent impossibilities, refuting the argument of the gentlemen of the long robe, of the political, as well as the natural capacity of the King, remained whole and entire, although he was declared incapable of exercising his regal functions. If the Crown was to have no functions, why there should be a King, was beyond his imagination to discover. The legal metaphysics which distinguished between the Crown and its functions, were to him unintelligible. The investigators should be schoolmen, and not statesmen, fitter for colleges of disputation, than the British House of Commons, if a question that so deeply involved the existence of the Constitution, were to be thus discussed : and, where was that famous dictum to be found, which expressly described the Crown as guarded by such sanctuaries, and left its powers at the mercy of every assailant.

Having contended, that such was the absurdity of the metaphysics, and called upon the gownsmen to shew him the *dictum* which supported the opposite assertion, that the Prince of Wales had no more right to exercise the Sovereign authority during his Majesty's incapacity, than any other individual subject, Mr. Fox adverted to a part of the argument advanced against him, and including an allegation, that he had deserted the cause which he had heretofore been supposed to claim the peculiar merit of standing forth on all occasions to defend ; and, thus manifested an inattention to the privilege of the House of Commons, against the encroachments of the prerogatives of the Crown. Upon this occasion, Mr. Fox remarked, that his own resistance against the latter, when it had been thought increasing unconstitutional, were well known. The influence of the Crown had been more than once checked in that House, and (he really believed) to the advantage of the people. Whenever the executive authority was unreasonably beyond its reasonable extent, it ought to be resisted, and carried his ideas on that head so far, that he had not scrupled to declare, that the supplies ought to be stopped, if

Royal Assent were refused to a constitutional curtailment, of any obnoxious and dangerous prerogative. Moderate men (he was aware) thought this a violent doctrine ; but he had uniformly maintained it ; and the public had derived advantage from its having been carried into effect. He desired to ask, however, if this were an occasion for exercising the constitutional power, of resisting the prerogative or the influence of the Crown, in that House ? He had ever made it his pride to combat with the Crown, in the plenitude of its power, and the fullness of its authority ; he wished not to trample on its rights, while it lay extended at their feet, deprived of its functions, and incapable of resistance. Let the right honourable gentleman pride himself on a victory obtained against a defenceless foe, let him boast of a triumph where no battle had been fought, and consequently where no glory could be obtained ! Let him take advantage of the calamities of human nature, let him, like an unfeeling lord of the manor, riot in the riches to be acquired by plundering shipwrecks, by rigorously asserting a right to the waifs, estrays, ~~deodands~~, and all the accumulated produce of the various accidents which misfortune could throw into his power. Let it not be his boast, to have gained such victories, obtained such triumphs, or availed himself of wealth so acquired.

Mr. Fox declared, that all the labour of the Committee appointed to search for precedents, had been fruitless, for that not one of the precedents applied. If they tended to prove any thing, it was to establish the Prince's right : since, in all of them, the nearest relative to the Crown, if in the kingdom, had been appointed the Regent, and especially a Prince of Wales. In the reign of Edward the Third, his son, commonly called the Black Prince, was declared Regent, at only thirteen years of age, during the invasion of France by his father ; and, afterwards, during the absence of Edward and the Prince, his brother, Lionel, Duke of Clarence, was appointed. The Regencies in the reign of Henry the Sixth proved the right of the Prince of Wales the more fully, because, in that reign, the right of the Prince of Wales was recognized, (although he was not a year old) in the very patent, which appointed the Duke of York Protector. Mr. Fox now observed, that an honourable gentleman, (Mr. Bastard) had, in the course of the debate, chosen to remark, that the right honourable gentleman, (Mr. Pitt) stood higher in the opinion of the public, at present, than he did. Before any gentleman took upon himself to pronounce on such topics, he ought to be sure that he was right in his assertion. He had every reason to believe, that the honourable gentleman was mistaken in what he had said, having lately had an opportunity of meeting his constituents, and having then received the most unequivocal and

gathering proofs of their confidence and kindness. He acted, however, most cordially with that honourable gentleman. In every observation that he had made, of the probable effect of the present motion, if persisted in, with regard to Ireland and the creation of a difference, between the two Houses of Parliament. With respect to Ireland, if the two Houses of the British Parliament, named the Prince of Wales as Regent of right, most probably, the Parliament of Ireland would do the same; if they speculated, the Irish Parliament would calculate. Let them decide wisely, and their decision would be followed, as an example. Were the question of right once set afloat, it would become impossible to say to what extent it might be carried. Again would he call in question the necessity for the present proceeding, and urge the fallacy of pretending, that the opinion, which he, as a private Member of that House, had delivered, and the opinion, which his noble and learned friend (Lord Loughborough) had delivered elsewhere, made it necessary. He reprobated the indecency of selecting the arguments of his noble and learned friend, & falsely applying them, merely for the purpose of placing them in a ridiculous point of view. The right honourable gentleman must have known, that the arguments of his noble and learned friend, were arguments merely advanced to prove that the Prince of Wales, as Prince of Wales, and Heir Apparent, had rights peculiar and distinct from those of ordinary subjects, and with a view to prove his right to exercise the Sovereign Authority. The manner, therefore, in which the right honourable gentleman had answered those arguments, betrayed a narrowness of mind which he had not imagined the right honourable gentleman would have condescended to have known orised. Mr. Fox desired to know the use of bringing forward a question of right, when the expediency of constituting the Prince of Wales Regent, was, on all hands, agreed upon. He charged the Chancellor of the Exchequer with a determination to legislate, without the power to do so factually, which would alter the genius of the third estate without any crime alledged against either the Sovereign, or the intended Regent. If they could make who they pleased Regent, they could appoint the Regent for a day, a month, or a year, turning the Monarchy into a Republic, as had been the case with Rome. And while the right honourable gentleman denied, that the Prince of Wales had a more right than he had, he confessed it would be a breach of duty to think of any other Regent, and all this for the triumph of a vote over him, and to insult a Prince, whose son he was, conscious he had not deserved. Mr. Fox declared he was ready to admit, that the right honourable gentleman

man's administration had been, in some respects, entitled to his, he was ready to say what were the parts that most deserved commendation, and as willing to give them his approbation, as any Member within the House. What he alluded to were the measures adopted to detach Holland from its connection with France. The whole conduct of that transaction, as well as its issue, was wise and vigorous, laudable and creditable, and he was happy to take that opportunity of delining his sentiments, concerning his ministerial conduct upon this occasion. Of his other measures, he certainly entertained a very different opinion. The right honourable gentleman, however, appeared to have been so long in the possession of power, that he could not endure to part with it; he experienced the full favour of the Crown, and enjoyed the advantage of exerting all its prerogatives; and, finding the duration of the whole, not too much, for the successful carrying on of the government, he had determined to cripple his colleagues, and deprive them of the same advantages which he possessed, and thus circumscribe their power to serve their country; as if he dreaded, that they would shade his fame. The right honourable gentleman, for a moment suppose, the business of detaching Holland from France, or any measure of equal importance, remained to be executed; just know, that there would be no power in the country, give the advantage, if the right honourable gentleman's principles were right. For his own part, Mr. Fox declared, he could not avoid calling most fervently upon every hon. Member of that House, not to vote, without perfectly understanding what the question went to, as well as the other reasons. With regard to the right honourable gentleman's yes, he knew not what they were, but if there was an ambition in that House, who designed to drive the Empire into dissolution, his conduct, he conceived, would have been exact, that which the right honourable gentleman had pursued. The resolutions moved, appeared, in his opinion, as insidiously calculated to convey a censure on the sentiments, which he delivered, while they served as an instrument of evasion of a question, highly revolting to the public mind, made by the honourable gentleman (the Chancellor of the Exchequer). This he reprobated, as a pitiful shift, totally incompatible with the confidence which the right honourable gentleman placed in the expectation of a majority. In truth, he declared, he had no great trust; he had, for a master, had the mortification to find himself in a minority in that House; and yet, upon a change of situation, he had only found, that the majority, who had before divided him, divided with him. For more than eighteen years of his political life, had he been obliged to hear the contentions

of power, and sometimes he had enjoyed the satisfaction finding himself in a majority of the same Parliament, which, in the prosecution of the same principles, and the declarations of the same designs, he had been only supported a minority before.

Mr. Chancellor Pitt observed, that it was not with some astonishment, that he discovered, that the right honourable gentleman had thought proper, particularly in the late part of his speech, to digress from the question of right, which was then before the House, in order to enter upon the question of expediency, and that not so much for the purpose even of discussing that expediency, as to take an opportunity of introducing an attack, of a personal nature, on him. The House would recollect, whether the manner in which he (Mr. Pitt) had opened the debate, either provoked or justified the animosity. This attack, which the right honourable gentleman had just now made, he declared to be unfounded, arrogant, and presumptuous. The right honourable gentleman had charged him, as acting from a mischievous spirit of ambition, unable to bear the idea of parting with power, which he had so long retained; but not expecting the favour of the Prince, which he was conscious he had not deserved, and therefore disposed to envy and obstruct the credit of those who were to be his successors. Whether to him belonged that character of mischievous ambition, which would sacrifice the principles of the constitution, to a desire of power, he must leave to the House and the country to determine. They would decide, whether, in the whole of his conduct during this unfortunate crisis, any consideration which affected his own personal situation, or any management, in the sake of preserving power, appeared to have had the chief share, in deciding the measures he had proposed. As to being conscious, that he did not deserve the favour of the Prince, he could only say, that he knew but one way, which he, or any man, could deserve it; by having uniformly endeavoured, in a public situation, to do his duty to the King, his father, and to the country at large. If, in the endeavouring to deserve the confidence of the Prince, it should appear, that he in fact had lost it, however painful and mortifying that circumstance might be to him, and for whatever cause it might proceed, he should indeed regret it; but he could boldly say, that it was impossible he should ever repent of it. The right honourable gentleman had thought proper to announce himself, and his friends to be the successors of the present administration. He did not know on what authority the honourable gentleman made this declaration; but, he thought, that with a view to those questions of expediency, which the right honourable gentleman had in

duced, both the House and the country were obliged to him for this seasonable warning of what they would have to expect. The nation had already had experience of that right honourable gentleman, and his principles. Without meaning to use terms of reproach, or to enter into any imputation, concerning his motives, it could not be denied, that they were openly and professedly active, on the ground of procuring an advantage, from the strength of a party, to nominate the Ministers of the Crown. It could not be denied, that they maintained it as a fundamental principle, that a Minister ought at all times so to be nominated. He would therefore speak plainly. If persons, who possessed these principles, were in reality likely to be the advisers of the Prince, in the exercise of those powers, which were necessary to be given, during the present unfortunate interval, it was the strongest additional reason, if any were wanting, for being careful to consider, what the extent of those powers ought to be. It was impossible not to suppose, that by such advisers, those powers would be perverted to a purpose, which it was indeed impossible to imagine that the Prince of Wales could, if he was aware of it, ever endure for a moment: but to which, by artifice and misrepresentation, he might unintentionally be made necessary, for the purpose of creating a permanent weight and influence, in the hands of a party, which would be dangerous to the just rights of the Crown, when the moment should arrive, (so much wished, and, perhaps, so soon to be expected) of His Majesty being able to resume the exercise of his own authority. The notice, therefore, which the right honourable gentleman, in his triumph had condescended to give to the House, furnished the most irresistible reason for them deliberately to consider, lest in providing for the means of carrying on the administration, during a short and temporary interval, they might sacrifice the permanent interest of the country, in future, by laying the foundation of such measures, as might, for ever afterwards, during the continuance of His Majesty's reign, obstruct the just and salutary exercise of the constitutional powers of government, in the hands of its rightful possessor, the Sovereign, whom they all revered and loved. The noble Lord, (North) in the blue ribband, he said, like most of the gentlemen who had spoken on that side of the House, had argued, not against the truth of the resolutions, but the propriety of coming to them, and had waved any dispute on the question of right. The right honourable gentleman, though he affected, also, to object to the propriety of coming to this resolution, had directed his whole argument (as far as it went) to an invalidation of the truth of the proposition, and the maintenance of his former assertion, in favour of the existing

right.

right of the Prince of Wales. This line of argument, supported by such authority, was itself an answer to those who doubted the propriety of any resolution. Mr. Pitt added, that the right honourable gentleman (Mr. Fox) had returned to represent him, as having declined maintaining his former assertion, "That the Prince of Wales had no more right to the Regency, than any other subject in the country," and he had also intimated, that he had then retracted, in consequence of believing, that not twenty persons would join in supporting that proposition. But, it so happened, that he did not retract one single word of that assertion. Gentlemen might quarrel with the phrase, if it was thought proper, and misrepresent it, in imitation of the right honourable gentleman, in order to cover the argument used by a noble Lord (Loughborough) in another place, that he was in the recollection of the House, whether when he first used the expression, he had not guarded it, as much as to speak strictly of a claim of right, not of any reasonable preference, on the ground of discretion or expediency. It was also in their recollection, whether the right he spoke of was any other than the specific right in question, namely, the right to exercise the Royal Authority, under the particular circumstances. He had maintained, that the Prince had no such right. If the Prince had not the right, he could not be said to have any more right than any other subject in the country. But was it any answer to the assertion, that the Prince of Wales, he had no right to the Regency, to say that he had other rights, different from the rest of the King's subjects, but which had nothing to do with the Regency? Of all the rights of the Prince of Wales, which had been mentioned by the noble Lord alluded to, were of this description. It would be just as reasonable if the question were, whether any person had a right to a particular estate in Kent or Surrey, to argue, Yes he has, for he has such and such an estate in Yorkshire, and in Cornwall. With regard to the question, whether twenty persons did or did not agree in his denial of the right of the Prince of Wales, he would put the whole of that issue, that if the Prince of Wales had any such right, the resolution he had moved could not be true; and he considered every person who differed from his assertion on this subject, as bound to vote against the present motion. The right honourable gentleman (Mr. Fox) in discussing the question of right, chose also to remark, that the right of the two Houses, and the right of the Prince of Wales, were to be considered as two rival rights, and that the only question was, in favour of which the arguments preponderated. He should be perfectly ready to meet the question on this issue, if it were the true one, for the right of the two Houses was clearly

ly supported, by precedent and usage, in every similar case by express declarations of Parliament, and by positive acts of law; yet, the right of the Prince of Wales was even attempted to be supported on any of those grounds, on pretended reasons of expediency, founded on imagined extravagant cases. In fact, this was not the fair issue of the argument. The right of the Prince of Wales was not considered as a rival right, to be argued on the same grounds as the other. It was a right which could not exist, but it was capable of being expressly and positively proved; and, the right of Parliament was that which existed of course, unless some other right could be proved to exclude it. It was that, which, on the principles of this free constitution, must always exist in every case, where no positive provision had been made by law, and where the necessity of the case, and the safety of the country, called for their interposition. The absence of any other right, was in itself enough to constitute the right of the two Houses, and the admission that the right of the Prince of Wales was not only and expressly proved, virtually operated as an admission of every point under discussion.

The *Lord Advocate of Scotland* declared, that he felt himself bound at a loss to discover how the general question of right *Advo. of Scotland* could be waved, unless both Houses were ready to resolve, that the Prince of Wales should not only be Regent, but invested with all the Royal powers without limitation or condition; for if a limitation of any kind was to be the subject of debate, it did not seem possible to avoid a previous discussion of the right. As to the question itself, he hoped it would be considered, that they were not met to deliberate on a settlement of the kingdom of England alone. He thought it necessary to enquire into the constitution of England and of Scotland separately before the Union, and of Great Britain since. He had heard it very confidently asserted, that were the supposed inherent right of the heir apparent to exercise the Royal powers upon such occasions to be present to be disallowed, the consequence would be a general dissolution of the Union, the rule being fixed in Scotland, in favour of such hereditary and legal claim of right; but he would take the liberty of asserting, with equal confidence, that the proposition had no real foundation. It was true, that by the law of that country, the right of guardianship did, in certain circumstances, attach upon the nearest male kinsman by the father's side, at the age of twenty-five; and in the earlier periods of the Scottish monarchy, little distinction seemed to be made between the situation of a private guardian, and that of the person who acted *for the king in his minority*, inasmuch that some laws

right of the Prince of Wales. This line of argument, supported by such authority, was itself an answer to those who doubted the propriety of any resolution. Mr. Pitt admitted that the right honourable gentleman (Mr. Fox) had referred to represent him, as having declined maintaining his former assertion, "That the Prince of Wales had no more right to the Regency, than any other subject in the country," and he had also intimated, that he had thus referred, in consequence of believing, that not twenty persons would join in supporting that proposition. But, it so happened, that he did not retract one single word of that assertion. Gentlemen might quarrel with the phrase, if they thought proper, and misrepresent it, in imitation of the right honourable gentleman, in order to cover the argument used by a noble Lord (Loughborough) in another place. But he was in the recollection of the House, whether when first used the expression, he had not guarded it, as meant to speak strictly of a claim of right, not of any reasonable preference, on the ground of discretion or expediency. He was also in their recollection, whether the right he spoke of was any other than the specific right in question, namely the right to exercise the Royal Authority, under the present circumstances. He had maintained, that the Prince had no such right. If the Prince had not the right, he could not be said to have any more right than any other subject in the country. But was it any answer to the assertion, that the Prince of Wales, he had no right to the Regency, to say that he had other rights, different from the rest of the King's subjects, but which had nothing to do with the Regency? Yet all the rights of the Prince of Wales, which had been mentioned by the noble Lord alluded to, were of this description. It would be just as reasonable if the question were, whether any person had a right to a particular estate in Kent or Surrey to argue, Yes he has, for he has such and such an estate in Yorkshire, and in Cornwall. With regard to the question whether twenty persons did or did not agree in his denial of the right of the Prince of Wales, he would put the whole of that issue, that if the Prince of Wales had any such right, the resolution he had moved could not be true; and he considered every person who differed from his assertion on that subject, as bound to vote against the present motion. The right honourable gentleman (Mr. Fox) in discussing the question of right, chose also to remark, that the right of the two Houses, and the right of the Prince of Wales, were to be considered as two rival rights, and that the only question was, in favour of which the arguments preponderated. He should be perfectly ready to meet the question on this issue, if it were the true one, for the right of the two Houses was clear.

ly supported, by precedent and usage, in every similar case by express declarations of Parliament, and by positive acts of law; yet, the right of the Prince of Wales was even attempted to be supported on any of those grounds, on pretended reasons of expediency, founded on imaginary and extravagant cases. In fact, this was not the fair issue of the argument. The right of the Prince of Wales was not to be considered as a rival right, to be argued on the same grounds as the other. It was a right which could not exist, as it was capable of being expressly and positively proved; whereas, the right of Parliament was that which existed of course, unless some other right could be proved to exclude it. It was that, which, on the principles of this free constitution, must always exist in every case, where no positive provision had been made by law, and where the necessity of safety, and the safety of the country, called for their interposition. The absence of any other right, was in itself enough to constitute the right of the two Houses, and the admission that the right of the Prince of Wales was not only and expressly proved, virtually operated as an admission of every point under discussion.

The *Lord Advocate of Scotland* declared, that he felt himself at a loss to discover how the general question of right *Adv. of Scotland* could be waived, unless both Houses were ready to resolve Scotland. that the Prince of Wales should not only be Regent, but invested with all the Royal powers without limitation or condition; for if a limitation of any kind was to be the *Act of debate*, it did not seem possible to avoid a previous discussion of the right. As to the question itself, he hoped it would be considered, that they were not met to deliberate on a settlement of the kingdom of England alone. He thought it necessary to enquire into the constitution of England and of Scotland separately before the Union, and of Great Britain since. He had heard it very confidently asserted, that, were the supposed inherent right of the Heir apparent to exercise the Royal powers upon such occasions as he present to be disallowed, the consequence would be a final dissolution of the Union, the rule being fixed in England, in favour of such hereditary and legal claim of it: but he would take the liberty of asserting, with equal confidence, that the proposition had no real foundation. It is true, that by the law of that country, the right of private guardianship did, in certain circumstances, attach upon the nearest male kinman by the father's side, at the age of twenty-five, and in the earlier periods of the Scottish monarchy, little distinction seemed to be made between the situation of a private guardian, and that of the person who *acted for the king in his minority*, inasmuch that some law authori-

authorities of great respectability had laid it down, that the powers of a Regent were merely tutorial, and it had been determined by the Parliament of Scotland in the reign of James I. that the Duke of Albany, when Regent, could neither restore a person forfeited for treason, nor grant land which had fallen to the Crown by bastardy. It was well known, that the powers of a private guardian were of the most confined nature, and could not proceed to great lengths than the exigency of the case required, nor encroach upon the purposes of ordinary management. But he thought it wrong to compare that case with the government of kingdom, where powers of a very different nature were necessary to be given. As to the appointment of a Regent, whatever his powers might be, the same had always been made in Scotland, as in England, under the sanction and authority of the States of the kingdom, either previous given, or afterwards interpolated, and sometimes the next heir of the Crown had been chosen, sometimes not; sometimes one Regent; and, at other times, more than one. Many of the kings of Scotland having fallen in battle, and sometimes in the hands of their subjects, when the power of the aristocracy was too great, there had been more infant succession, and more regencies in Scotland, than in most other countries; and the States of the kingdom had repeatedly shewn, that they did not consider any individual whatever as having fixed legal right to that office. When the Maid of Norway succeeded her grandfather, Alexander the Third, six regents were appointed. In the infancy of James II. of Scotland there was a regency of three. In that of James III. there was a regency of seven. In that of James III. the Duke of Chatelheraut, the next presumptive heir of the Crown, claimed the office upon that ground; but, his claim was disallowed, and first the Earl of Murray was appointed, and, afterwards, probably others, none of whom were successors to the Crown.—It was of more consequence, however, to consider how that matter had been understood by the Legislature of Great Britain since the Union; and surely it was impossible to read the Provisional Acts of 24 Geo. I and 5 Geo. III. without seeing clearly that no right of a ministrion was then supposed to attach upon any individual. As to the idea of a civil demise, it was totally inapplicable to such a case as the present. A person was held to be civilly dead, when he had lost the rights of a citizen, in the case of attainder: but was it ever thought that an infant was civilly dead? It would be a little hard, when it was but just born. An infant could hold property, could acquire, and had every civil right entire. A person incapable from infirmity to manage his own affairs was exactly the same state. He could not, therefore, have a success-

while he was alive, and in the full possession of his rights. Neither the Prince of Wales, nor any other individual, had a legal right on this case to be Regent, though in point of success and propriety, not a man probably in the kingdom would think of any other than the present Heir Apparent.

Mr. *Milnes* declared that, in his opinion, the conduct ^{Mr. Milnes} of the right honourable gentleman (Mr. Fox and his friends) merited the utmost reprobation, and amounted to a dereliction of those constitutional principles, hitherto the theme of universal admiration, by sacrificing the rights of the two Houses of Parliament to the claims of an individual. From the sort of argument that they had adopted and maintained on this great and truly important occasion, therefore, if they did soon come into power, as the right honourable gentleman had that day given the Committee to expect, instead of a Wig Administration and a mild Government, which it had been their practice to hold out as what would be their true character and conduct when in office, the country had every reason to dread the most arbitrary and oppressive system of measures that had ever disgraced Ministers, and harassed the subject in the worst periods of our history.

The *Solicitor General* contended, that the King was still, in the contemplation of the law, as perfect as ever, and the positive right of the Prince of Wales to the Regency was, in the present case, clearly undefined. No precedent, no analogy could be furnished, from the legal records of the Constitution, that established it as a right; no provision having been then made by law, in the present conjunction of public affairs, Parliament was called on to establish a precedent, which the contingency of past ages had not furnished. The calamitous case in question pressed strongly upon both Houses of Parliament to fix (what had never been recorded by our ancestors) a precedent for posterity.

Sir *William Molyneux* said, that he must, as a friend to his country, advise the prosecution of such measures as would produce unanimity. If there was any right on the part of the Prince, it had never been urged. If the House had a right, there was no necessity for declaring; and if they had no right, he did not see that entering a resolution on their Journals in their present circumstances could give them any.

Mr. *Drake* said, that he rose to express his opinion on a subject that had long agitated his mind. If, by laying down his life, he could serve his country, he was ready to do it. It had been long his glory and his pride to support the measures in general of the right honourable and magnanimous gentleman who proposed the resolution, and he dreaded no political event so much as the change of the present Admini-

nistration. He was afraid he was now on the awkward side of the question, but he thought the resolution proper, as a ultimate decision of the claim of right.

The Committee divided on the motion, "That the Chairman report progress," when there appeared,
Ayes, 204; Noes, 268. Majority, 64.

The second and third resolutions were then severally proposed and carried; and the House was resumed, and adjourned.

We flatter ourselves, that the generality of our Readers will a disapprove of seeing, at the Close of this Debate, the following

CORRECT and AUTHENTIC LIST

Of the several Members who voted FOR and AGAINST Mr. PITT's Motion.

FOR THE QUESTION.

| | |
|---------------------------|--------------------------|
| Wm. Drake, jun. Esq. | Matth. Brickdale, Esq. |
| Wm. Grimston, Esq. | Rt. Hon. W. W. Grenville |
| Sir R. Pepper Arden | Edm. Nugent, Esq. |
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| Benj. Lefthieullier, Esq. | Philip Yorke, Esq. |
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| Sir Tho. Halifax | George Gipps, Esq. |
| Wm. Devaynes, Esq. | Cha. Robinson, Esq. |
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| Sir Hugh Williams, Bt. | Walter Sneyd, Esq. |
| Sam. Whitbread, Esq. | Cha. Boone, Esq. |
| Marquis of Graham | Sir R. S. Cotton, Bt. |
| Lt. Col. Manners | Tho. Grosvenor, Esq. |
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| Matthew Montagu, Esq. | John Bond, jun. Esq. |
| Hon. Cha. Stuart | Henry Banks, Esq. |
| Col. Egerton | Sir Wm. Lemon, Bt. |
| Tim. Caswall, Esq. | Sir Samp. Gideon, Bt. |
| Sir H. G. Calthorpe, Bt. | John Wilmot, Esq. |
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| J. H. Browne, Esq. | Rich. Hopkins, Esq. |
| Sir Alex. Hood | Henry Addington, Esq. |
| Rob. Thornton, Esq. | John Rolle, Esq. |

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| Shaftoe, Esq. | Jn. Peach Hungerford, Esq. |
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| Charles Fitzroy | John Hunter, Esq. |
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| Baring, Esq. | John Thomas Ellis, Esq. |
| ral Philipson | Thomas Kempe, Esq. |
| or Gen. Bathurst | John F. Cawthorne, Esq. |
| r W. Williams | Bamber Gascoyne, Esq. |
| p Rashleigh, Esq. | Sir Watkin Lewis |
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| les Edwin, Esq. | Robt. Colt, Esq. |
| Capt. Berkeley | George Rose, Esq. |
| Master, Esq. | Matthew Bloxham, Esq. |
| cis Baring, Esq. | John Strutt, Esq. |
| Sutton, Esq. | Earl of Courtown |
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| Calvert, Esq. | Marquis of Worcester |
| l Darell, Esq. | Lieut. Col. John Sutton |
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| Sumner, Esq. | Mark Gregory, Esq. |
| Alex. Crickett, Esq. | Sir John Wodehouse, Bt. |
| am Praed, Esq. | Henry Pierse, Esq. |
| Cha. Marsham | Edwin Lascelles, Esq. |
| Thornton, Esq. | Sir Jas. Langham, Bt. |
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| George Bowyer, Esq. | Sir Benj. Haminett |
| John Aldridge, Esq. | Sir Charles Kent, Bt. |
| 'Tho. Johnes, Esq. | Geo. Jennings, Esq. |
| Francis Annesly, Esq. | Sir Greg. Page Turner, Bt. |
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| Earl Gower | Rich. Slater Milnes, Esq. |
| Sir Edw. Littleton, Bt. | Hon. Henry Fane. |
| Sir Geo. Howard, Bt, | |

AGAINST THE QUESTION.

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|------------------------------|--------------------------|
| E. L. Loveden, Esq. | Sir Henry Fletcher, Bt. |
| Wm. Cha. Sloper, Esq. | Wm. Lowther, Esq. |
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| John Cleveland, Esq. | Edward Coke, Esq. |
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| Wm. Clive, Esq. | Sir John Eden, Bt. |
| Henry Strachey, Esq. | John Tempeſt, Esq. |
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| Sir John Morshead, Bt. | Sir C. W. Bampfylde, Bt. |
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| Sir Peter Burrell | John Webb, Esq. |
| Sir Charles Gould | John Harrison, Esq. |
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| Thomas Whitmore, Esq. | Hon. General Norton |
| Thomas Scott, Esq. | J. Clarke Jervoise, Esq. |
| Charles Sturt, Esq. | John B. Garforth, Esq. |
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| Hans Sloane, Esq. | Earl Ludlow |
| James Dawkins, Esq. | Sir Walter Rawlinson |
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| James C. Satterthwaite, Esq. | Wm. Middleton, Esq. |
| Humphry Senhouse, Esq. | Filmer Honeywood, Esq. |
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| Sir W. Molesworth, Bt. | Lord Visc. Duncannon |
| John Walker Heneage, Esq. | Tho. Stanley, Esq. |

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| Hugh Owen, Esq. | Hon. Col. North |

Hon.

Hon. Rob. S. Conway Tho. Jer. Clarke, Esq.
 Philip Francis, Esq. Lord Galway.

S C O T L A N D.

FOR THE QUESTION.

| | |
|------------------------------|------------------------|
| Lord F. Campbell | Ilay Campbell, Esq. |
| Sir James Duff, Bt. | Rt. Hon. Henry Dundas |
| Pat. Home, Esq. | Sir Adam Ferguson, Bt. |
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| Arch. Douglas, Esq. | Hon. General Murray |
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| Sir Hector Munro, K. B. | Major Moore |
| Sir Arch. Edmonston, Bt. | Lieut. Gen. Grant |
| Rob. Allardice Barclay, Esq. | And. M'Dowall, Esq. |
| Sir Cha. Preston, Bt. | |

AGAINST THE QUESTION.

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|-------------------------|---------------------------|
| George Skeene, Esq. | Col. Fullarton |
| Sir David Carnegie, Bt. | Sir W. A. Cunynghame, Bt. |
| John Anstruther, Esq. | Col. Dundas |
| Geo. Dempster, Esq. | John Shaw Stuart, Esq. |
| Sir Robert Laurie, Bt. | Fras. H. Mackenzie, Esq. |
| Alex. Stewart, Esq. | Sir Tho. Dundas, Bt. |

Teller FOR the Question, Thomas Steele, Esq.

Teller AGAINST the Question, William Adam, Esq.

Paired off FOR the Question,

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|--------------------------|-------------------------|
| Rt. Hon. James Grenville | Charles Ross, Esq. |
| Right Hon. Isaac Barré | Sir Richard Hill, Bart. |

Paired off AGAINST the Question,

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|-------------------------|-------------------------|
| Lord North | Rt. Hon. W. G. Hamilton |
| Keith Elphinstone, Esq. | Wm. Needham, Esq. |

Thursday, 18th December, 1788.

Mr. Chancellor Pitt moved, "That the order of the day
 " for receiving the Report of the Committee appointed to
 " take into consideration the State of the Nation, be read."
 Colonel.

Colonel *Fitzpatrick* begged leave to ask the right honourable gentleman, whether there would be any inconvenience in adjourning the consideration of the Report till the next day? He added, that his right honourable friend (Mr. Fox) was obliged, by illness, to be absent; and he should imagine it would be the general wish, that no part of the important proceeding which they were engaged in, should be agitated in the absence of so considerable a Member of that House as his right honourable friend, unless such delay was likely to create real loss of time, and serious inconvenience, neither of which, he presumed, would be the case, if his request could be complied with, because there was every reason to believe that his right honourable friend could be present in his place upon the ensuing day, and the Report might then be taken into consideration, and voted, if the House thought proper, so as to be carried up to the House of Lords on Saturday; in which case, they might, on Monday, proceed to debate on the result of a conference, which would be as soon, he conceived, as they would, at any rate, be able to arrive at that stage of the business.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* answered, that it certainly was his wish to shew every mark of personal respect to the right honourable gentleman, consistent with the urgency of public business; but, where it was not consistent with the conducting of the public business, however he might regret the circumstance, and however painful it might be to his feelings, he should think it his duty to refuse; but, as the only difference which adjourning the consideration of the Report until the next day, could occasion, would be the circumstance of having the Resolutions, if voted, to carry up to the House of Lords on Saturday, instead of Friday, the delay would not prove material; and if there was a chance that the right honourable gentleman could be present upon the morrow, it certainly would be desirable to wait a day; and, therefore, although he was sorry the House had been given the trouble of assembling unnecessarily, he would cheerfully acquiesce upon that ground.

The question was then put, "That the consideration of this Report be adjourned until the day ensuing;" and unanimously carried.

The House adjourned.

Friday, 10th December.

When Mr. Alderman Watson had appeared at the bar, with the Report of the Committee on the State of the Nation, the question was put, "That the Report be brought up."

Sir John Sinclair now rising, observed, that he could most sincerely affirm, that, with regard to the first Resolution, there was no individual in that House who felt more the lamentable calamity which had befallen the King and the country, than himself. In respect to the rights of the two Houses of Parliament to provide the means for supplying the deficiency in the exercise of the Royal authority, he must still be of opinion, that it was not necessary for that House to make a declaration of its rights, on the slight ground of the expression of a doubt of the right of the Prince of Wales, stated in the speech of one of its Members. If the right honourable gentleman who first expressed his doubts of the right of that House, instead of doing so, had brought forward a motion, declaring the Prince of Wales's right, no man would have more firmly resisted such a motion, than himself. In the third Resolution, there was something dark and mysterious; and whatever ideas he had of the character and abilities of the right honourable gentleman, who had called upon the House to declare their right, by the second Resolution, which appeared to him to be unnecessary, the mystery in the third Resolution demanded explanation. He gave the right honourable gentleman credit for too much manliness of mind, to suppose that he would endeavour to entrap that House, and fetter its future conduct, by any equivocal Resolution, but, previously to his bringing up of the Report, he must beg to know what his reasons were for the wording of the third Resolution, and also desire an explanation of what was meant by the bill to be passed by the Houses of Parliament. Sir John expressed his fears, that the two Houses were intended to be called upon to exceed their constitutional powers, and this was a time, he said, of too critical a nature, for any part of so very serious and important a proceeding to be suffered to remain in the dark, or subject to any kind of doubt. Every step in such a proceeding should be clearly understood, and maturely considered.

Mr. Chancellor Pitt answered, that he wished not to bring forward any point in that House, which was not clearly understood; and, therefore, the honourable Baronet did him no more than justice, when he gave him credit for not having any intention, by any equivocal Resolution, to entrap that House, and fetter its future proceedings. He trusted, that he had never shewn a disposition to bring forward measures in disguise; and, in respect to the information which the honourable Baronet wished to receive, it would be recollected, that he had, in his general opening of the Resolutions at large, explained the whole of their object. With regard to the means of providing for the defect in the exercise of the Royal authority, in consequence of His Majesty's un-

Mr. Chancellor Pitt.

happy incapacity, he had stated, that, as in consideration of law, His Majesty's political capacity was entire, their first proceeding must be by the Royal authority, which was by a bill, sanctioned by the concurrence of the King and the two Houses of Parliament. Now, though the necessity of the case did not oblige them to act without the Royal authority, it did oblige them to provide the means of supplying the defect arising from His Majesty's indisposition, by issuing a commission under the Great Seal of England, appointing Commissioners to open the Parliament, in the name of His Majesty, in the usual form, and state the reasons for calling them together. This, he conceived, to be the only mode of proceeding that could be adopted, consistent with the principles of the Constitution.

Sir John Sinclair replied, that he could not avoid expressing his utmost astonishment, that the right honourable gentleman should call the system of measures, which he had explained to the House, a system consistent with the principles of the Constitution, when it was contrary to law. Every gentleman, conversant with the statute law, knew, that it was, by the 13th of Charles the Second, declared illegal for the two Houses of Parliament to legislate for themselves, or make laws without the King; and, by the same statute, the declaration that they had any such power, was pronounced high treason in the person making it, and he was liable to all the pains and penalties of a premuirite. Sir John added, that he was happy that the right honourable gentleman had explained his measures, which appeared to him to be highly objectionable. The proper and simple mode of procedure for the two Houses to adopt, in his opinion, was for them to address the only individual that all men's eyes were fixed on, as the fit person to undertake the administration of Government, in like manner as our ancestors had addressed the Prince of Orange, at the memorable æra of the Revolution.

Mr. Powys. Mr. Powys, having observed that his anxiety on the present alarming occasion was equal to that of the honourable Baronet, added, that although he believed the stating on what that anxiety turned, was premature in that stage of the business, he would venture to intimate, that when the Report should be brought up, he believed he might undertake to prove that the right honourable gentleman's system was not founded either in precedent or law.

The Report having been brought up, and the first Resolution read and agreed to, the second was read, when

Sir Grey Cooper. Sir Grey Cooper rose, and desired to be permitted to state, with great submission, a doubt which had occurred to him, whether the House, in its present limited and imperfect capacity, could, with propriety, and consistent with the order and regularity

regularity of their proceedings, agree to the Resolution reported from the Committee on the State of the Nation, now under deliberation. He requested the Members of the House to consider and advert to the very peculiar and unprecedented circumstances under which they were assembled, and now sitting. They were one of the estates of the kingdom, *assembled at Westminster, but not assembled in Parliament*; they were maimed and mutilated in their legislative functions, by the present unfortunate incapacity of the King to exercise the Royal authority. They had met on the 20th of November last, at the expiration of a period to which they had been duly prorogued by the Commission from the King. On that day, no commission came to prorogue them to a farther time. The Speaker had arranged the proceeding on that occasion in the best possible manner. When he had taken the chair, by the desire of the Members present, the Minister opened to the House the deplorable cause which prevented His Majesty's servants from taking his pleasure, with respect to a farther prorogation. The House paused, and hesitated in what they ought to do in such an exigency. By the ancient rules and principles of parliamentary proceedings, it was, as he conceived, irregular for them, in the situation in which they then stood, to do any business, or to make any order, other than for adjourning from day to day. But, upon reading a precedent of the 9th of September, 1690, which bore considerable analogy to their proceeding in their present situation, the House assumed internal energy enough to adjourn for fourteen days, and to order a call of the House; and upon the ground of this precedent, and the very special circumstances of the case, they perhaps might be justified in making such order.

They met again on the 4th of December, and were informed by the Minister, that the same cause unhappily continued to prevent the servants of the Crown from taking the King's pleasure, touching any act to be done, either for the further proroguing Parliament, or for issuing the summons for its meeting for the dispatch of business; and they were then informed, that *there was a necessity* for their immediately proceeding to supply the defect in the exercise of the functions of the Royal authority. Since that measure had been recommended by the Minister, and adopted by the House, they had, in all the steps which they have hitherto taken, acted under the authority, and moved by the mere impulse, of that necessity; and if any part of their proceedings transgressed the clear limits of that necessity, and the direct course which it points out to us, it was, in his humble opinion, *an act of self-constituted power, and of very dangerous tendency and consequence.*

The point in question, therefore, was, whether the second Resolution now reported was, or was not, an *act of necessity*, for the purpose of supplying the defect in the Legislature, by the King's incapacity. He contended, that the Resolution, declaring the right and duty of the House, was not necessary, because there appeared to him no real impediment or obstacle to their progress, which it was requisite to remove and clear away, before they could act in their deliberative capacity. That *there was no claim of right, no denial of their authority, no matter of which the House could, consistently with the gravity and order of its proceedings, take parliamentary notice or cognizance.*

At the Revolution, the Convention Parliament did not, in the famous Committee on the State of the Nation, declare what it was their right or their duty to do. It appears, that Finch and Sir Edward Seymour, and some other leading men at that time, delivered and maintained opinions, directly contrary to the principles on which the first Resolution of the 28th of January, 1689, was grounded. But the grand Committee proposed no resolution, to vindicate or establish their right against such assertions. They exercised their right, and did the noble work they were about; and they thought, that the doing the deed, comprehended in it, and incontestably proved, both their right and their duty to do it.

Having submitted to the House these observations on the order of their proceedings, he requested the indulgence of their attention to some remarks upon the precedents on which the right honourable gentleman had laid the foundation of his resolutions, and particularly on the precedent of the 32d and 33d of Henry the Sixth, which runs from page 42 to page 77 in the Report from the Committee; and which, being the only one touching the supply of the defect in the royal authority from sickness, bore with the most force on the present state of things and persons. The precedent had been much relied on; it had been proposed as a pattern for their proceeding in the great and arduous affair which a most deplorable necessity imposed upon them. They had been called upon by the great Law Authorities in that House to follow the example of their ancestors, and not to leave them in the lurch, by departing from the principles on which they acted. But, before they determined to follow the example of their ancestors, it seemed to him that they should consider what sort of persons those same ancestors were. He would venture to undertake to prove, by the irrefragable evidence of records; and the authentic history of the times, that, during the course of all the proceedings which collectively form that precedent, both Houses of Parliament were

were in the most abject and humiliated state of dependence, on the power and will of Richard Duke of York, and the potent and formidable faction of the noble families who adhered to him and followed the projects of his ambition ; and that every step they took, every declaration they made, and every act they did, or passed, were taken and done under the impression of immediate force, and irresistible influence. He desired to be permitted to state some facts anterior to the year 1454, in which that precedent principally arose, in order to introduce, with more regularity and clearness, the documents and evidence by which he intended to support his proposition. After the assassination of the virtuous Duke of Gloucester, the King's uncle Richard, Duke of York, became first Prince of the Blood, and presumptive Heir to the Crown. The impeachment of the great Minister and favourite, the Duke of Suffolk, and his banishment and death, soon followed. Edmund Beaufort, Duke of Somerset, succeeded to the favour of the Queen, the powers of Administration, and the unpopularity of his predecessor. The Duke of York, trusting to the advantage which that unpopularity and the weakness of the Government gave him, raised an army in the year 1452, and marched with 10,000 men from Wales to the gates of the city of London, for the purpose, as he gave out, of a reformation in the Government, and the removal of the Duke of Somerset from all his power and authority. The manner in which he was foiled in this bold enterprize, of his being the dupe of his confidence in the promises of the Court, and of his escape from the power of his enemies, are facts well known to all those who have ever looked into the history of this eventful period. He lived in retirement at his Castle on the borders of Wales till the latter end of the year 1453. The Prince of Wales was born in October 1453 : and, about this time, the King fell into a disorder in his mind, which rendered him unfit even to maintain the appearance of Royalty. The Queen and Somerset found themselves obliged by this exigency to yield, for a time, to the high power and connections of the Duke of York. Somerset was actually sent to the Tower on the 13th of February, 1454. Richard was appointed, or, more properly speaking, appointed himself Lieutenant to the King, for holding the Parliament, which, having been first assembled at Reading, was, after several prorogations and adjournments, assembled at Westminster on the 14th of February. About this time, the famous Earl of Warwick, the Earls of Salisbury and Westmoreland, and many others of the Duke's followers, were admitted into the Council, in the place of the former Administration, and had the whole Government in their hands.

“ For when we compare the uncommon expedition with
“ which this very important affair was hurried over, the
“ judgement of the Lords, so directly contrary to the con-
“ clusion which ought to have been drawn from the opinion
“ delivered by the Chief Justice; the command of the Bishop
“ of Ely to elect another Speaker, signified immediately
“ subsequent on the judgement, and, as far as appears, with-
“ out any communication with the King, and the obedient
“ submission of the Commons; I say, all these circumstan-
“ ces, compared with the very high situation in which the
“ plaintiff, Richard Duke of York, then stood, being, as
“ appears from the Parliamentary History, that very day,
“ the 14th of February, appointed President in the said Par-
“ liament, and himself present, and taking a part in the
“ hearing of his cause, may be thought full to justify the
“ opinion of Sir N. Rich, who, when this precedent was
“ cited in a debate on the 8th of March, 1620, says, “ *It*
“ *is a case begotten by the iniquity of the times, when the Duke of*
“ *York might have an over-grown power in it, and therefore*
“ *wish it may not be meddled with.*”

Would to God that this whole precedent, of which the case of the Speaker makes a deplorable part, had *never* *aged* been meddled with, but had been buried in the rolls of Parliament, and consigned to everlasting contempt and oblivion.

Indeed, what our excellent historian Rapine remarks on this Parliament, and the other Parliaments about this time, is perfectly just, and well founded. He says, that the contrary resolutions of those assemblies, clearly shew that they acted not with freedom, but were swayed by the events which happened before their deliberations. Their determinations are properly of no force, since they had not the liberty to judge according to their understanding, unless it be said that their understandings always led them to side with the strongest.

Upon

Upon the reading of these records and observations, as the strongest and most searching evidence against this most inauspicious precedent, might he not venture to ask the House, whether some feelings of resentment and indignation did not rise in their breasts against those who have proposed this precedent, as a pattern for their conduct, in one of the most important and momentous emergencies, that ever presented itself to Parliament, and in which all the great energies of Government, all the rights of the highest and most illustrious persons, and the first principles of the Constitution are concerned ; and at a time, too, when, from the surprise and suddenness of the calamity, the Houses of Parliament were *inopes confili.*

In the beginning of the year 1455, the King was somewhat recovered from his indisposition, and the Queen moved him to resume his authority, and to release Somerset from the Tower. The Duke of York was forced to retire. He raised another army. He complained in his manifesto of the King's Ministers, and demanded a change of Government. The battle of St. Alban's was fought in the month of May, 1455.

This was a summary way of changing Administration ; for, they were all killed in the battle, and the King was taken prisoner. It is not necessary to state, that, after this great event, the unfortunate King was restored to the appearance and forms of Royalty ; that the Duke of York and all his adherents were declared innocent of any treason against the King ; that he was reinstated in the Protectorate, at the instance of the very Commons whose Speaker he had imprisoned ; and that upon a reverse of fortune, he was, as it was called, exonerated of the office, and of all his power—These were all parts of solemn State farces exhibited to the people at that time. It was not necessary to state, that from the period of the battle at St. Alban's, the whole kingdom was deluged with blood, and involved in confusion, by a most cruel and ferocious civil war, for the course of thirty years. From the very threshold of this disastrous period, the precedent, on which he had been so long troubling the House, was taken, and raised from the dead, for the purpose of doing what the House of Peers, who elected the Duke of York, declared they would not do, prejudice my Lord the Prince. The pretensions of a Prince of Wales to the Regency, were, in the last debate, admitted and allowed by the first legal authority in the House. The Attorney General had declared it as his opinion, that though the Prince had no right, either by common or statute law, to assume or to exercise the office of Regent, without the appointment of Parliament, yet he owned that his preten-

fions to that appointment were so strong, and so unquestionable, from his high station and nearness to the Crown, that those pretensions could not be denied or rejected, except for such causes as would well nigh justify a bill of exclusion, or, in other words, for such causes as would exclude him from the Crown.

Mr.
Martin.

Mr. *Martin*, having first observed that he did not remain in the House during the whole of the debate, which took place on the preceding Wednesday, because he found himself so much exhausted, after nine hours close attention to the different arguments, that he was obliged to go home, which he the less scrupled to do, as he was aware that on the Report he should have an opportunity of explaining his sentiments, as well in compliance with what, if he recollects rightly, had been the request of more than one gentleman, viz. that on a question of that importance, every Member should avow his sentiments, added, that as he never wished to blink any question that came under agitation in that House, he made no scruple to declare that, had he staid the debate out, he should have given his vote for not leaving the chair, because it appeared to him that the Resolution was very proper, and what the House, under its present circumstances, did right to vote. In the course of the debate in the Committee, the right honourable gentleman over the way had talked of a change of Administration. What had passed that day, a friend of his had observed to him, brought to memory a scene in Shakespeare's play, of *Henry the Fourth*, where Falstaff reckoned upon what would be done for him and his associates, when the Prince should come to the Crown, which was then daily expected, and was assigning places of dignity and character to the most deserving of his friends. Mr. *Martin* said, he hoped if the right honourable gentleman came into office, he would not provide for all who had claims upon him, but would recollect that it had been urged against the right honourable gentleman near him, that his companions were not all equally well approved. He was persuaded, that a right honourable gentleman (Mr. *Fox*) had too noble a mind to be swayed by avarice, or any of the meaner passions; he thought, however, the right honourable gentleman had too much ambition, which inclined him to temporize, for the sake of getting into power. Nothing but that could, he thought, have induced him to come into that odious measure the coalition, and in like manner, on the present occasion, he ascribed the whole line of conduct which the right honourable gentleman had pursued, solely to temporizing, with a view to get into power. Had not the fact been so, Mr. *Martin* said, he was persuaded the right honourable gen-

gentleman would not have maintained doctrines so incompatible with the usual language holden by him upon constitutional points. Mr. Martin said, as he always voted according to his conscience; it had happened that he had occasionally voted with both the right honourable gentlemen, and he could not help saying, that the right honourable gentleman (Mr. Pitt) near him, had proved himself a good and virtuous Minister. In the very delicate situation in which he had lately stood, his conduct had been consistent, steady, and noble; in short, such as, in his opinion, entitled him to the praise and confidence of the public. He declared, he believed the right honourable gentleman near him was on his retreat, and therefore was glad to take that opportunity of speaking as handsomely of him as possible.

The Attorney General again contended, that the common ^{Atto} law knew no such person as a Regent. The common law ^{Gen} only recognized three descriptions of governors of kingdoms; and these were, Kings, *Custodes Regni*, and King's Lieutenants. The *Custos Regni*, was a *Pro Rex*, endowed with limited powers, which had been occasionally enlarged, and the power of bestowing benefices, and other specific exercises of authority given; and the Lord Lieutenant of Ireland, was a living instance of the nature of the office of a King's Lieutenant. With regard to the King's preserving his political capacity entire, notwithstanding his illness (he said) he should err with Lord Coke, with Chief Justice Hale, Mr. Justice Forster, and every other great legal authority, if he did not maintain that doctrine. He added, that in answer to an honourable Baronet, (Sir Grey Cooper) he must beg leave to put in his plea, and tell him, that if he would give himself the trouble once more to look over a book, which the honourable Baronet had often consulted, Mr. Justice Forster's Treatise on the Principles of the Constitution, he would find that he was mistaken in one part of his argument. As to the honourable Baronet's account of the transactions, in the reign of King Henry the Sixth, it seemed sufficient to answer, that at that time it was the law of the land, that there was no privilege, nor was it till the reign of Elizabeth, when a statute was passed expressly for that purpose. The proceedings, therefore, that the honourable Baronet had so strongly reprobated, with regard to the appeal to the Judges, in the case of the detention of the Speaker of the House of Commons, who had found that privilege would lay in the Speaker's case, and the reference of the Judges opinion to the House of Lords were not so extraordinary; but let them be ever so worthy of censure, let Richard Duke of York be ever so great a tyrant, it served *the better to support his reasoning, and the more to strengthen* ^{en}

en and confirm the precedent selected from that period; because it proves, that in the worst of times, the transaction which the precedent stated had been constitutionally regular. To argue against all precedents, selected from troublesome times, was a sort of reasoning that he lamented; and to pronounce that no precedent taken from such times was to be relied on, appeared like proceeding to the length of declaring that the Magna Charta ought not to be considered as an act of Parliament.

Mr. Wyndham declared, that if an honourable gentleman (Mr. Martin) had not considered what he had said, as of high consequence in his own opinion, he surely would not have come forward with assertions altogether unfounded, and for which he had assigned no reason. He knew not whether there was any mystery to be derived from what the honourable gentleman had advanced, since superstition assigned to animals of no great estimation, the power of revealing secrets. Macbeth told us, that the greatest perils had been discovered by the screaming of magpies and choughs. As an individual Member of the body of men, whom the honourable gentleman had lashed and censered, Mr. Wyndham protested, that he trembled to stand in the honourable gentleman's presence. Thus much, however, he would venture to pronounce, that, in point of rank, of family, of fortune, of splendid talents, of known character, and tried abilities, there were not in the kingdom their superiors. The honourable gentleman, therefore, must suppose some peculiar consequence to be annexed to his opinion, or the House never would have heard the body of men, he had been describing, humbled as they had been, by the honourable gentleman; but as he would not on that, or any other occasion, follow the honourable gentleman's example, he would quit all mention of his right honourable friend, who had been so peculiarly distinguished, as to have been made the special subject of a debate, and not only of a debate, but of a resolution of that House. Having thus alluded to the adjournment of the House the preceding day, on account of Mr. Fox's illness, Mr. Wyndham proceeded to deliver his opinion on the topics stated and maintained, on different sides of that House. He remarked, that he concurred with the doctrine of his right honourable friend, in its fullest extent, that he had intended to have delivered his opinion upon it to the Committee, but had been so much exhausted, that he was obliged to forego his intention; that he was then glad he had done so; for, he had been able since, more maturely to consider the subject; and he was, by reflection, confirmed in his opinion. The true jet of the argument *was to be drawn not from written law, not from precedent,*

but it depended upon the plain broad ground of analogy, analogy too clear to be mistaken, and too forcible to be resisted. Not to consider the right of the Prince of Wales to the Regency, as an hereditary right, was to go the length of maintaining that the two Houses of Parliament had a power of disposing of the constitution. He rather judged the goodness of a precedent by its consequence, and what the effects of that consequence might be, than by the precedent itself. According to the doctrine laid down, a foreigner might justly observe, that whenever there was occasion for a Regent, the two Houses of Parliament stepped in, and gave away the country. With respect to the various arguments that had been advanced, as to what the law was, concerning the case in point, he should not hesitate to declare, that, in his opinion, one of the surest ways of determining what was the law, was, by determining what ought to be the law. He adverted to the supposed motives of the Minister, and said that they well knew what he was working at the bottom, but men were not looking at the consideration they ought to look to, but were making it a personal question. They had been told properly enough, that they should not consider the virtues of the great personage, who had the strongest preferable claim to the Regency, as any argument, and yet, if the virtues of his Majesty, (which all must readily agree) were holden out as reasons for limiting the powers of the Regent, they ought to take in the virtues of the other personage as the security for his Majesty's returning to the government: but, it was thought that the custody of the King's prerogatives were more secure in the hands of the Parliament, than in those of the Heir Apparent. Mr. Wyndham took notice, that in one of the last Regencies, the latter of those in Henry the Sixth, the Duke of York was made Regent, because he was presumptive heir to the Crown, and thence he argued, that the Prince of Wales, being heir apparent, had a better plea, and the public had a better security for his taking due care of the interests of the kingdom, as no other person was so much interested in its prosperity. He reprobated the project proposed in the third resolution, and declared, that his mind revolted at the idea of a coarse fiction, for so it was, let what would be said of it. He protested, that for one, he did not place great reliance on the reasoning of lawyers upon such subjects. Gentlemen of that profession were not always the best writers on constitutional questions; their professional knowledge perverted their opinions on such topics, because, when they were under discussion, from their legal knowledge they were always flying to legal analogies. Mr. Wyndham said, he did not like those maxims which could not be comprehended, nor did he admire precedents drawn from times of such

such tumults and confusion, as those that distinguished the period from the appointment of the Duke of York, to the Regency in the latter part of the reign of Henry the Sixth. The fatal consequences which followed, was, in his opinion, a sufficient condemnation of the precedent.

Mr. Martin. Mr. *Martin* observed, that as the honourable gentleman had accused him of not having spoken to the question, he appealed to the House, whether had not spoken to it in a general way, both at the beginning and end of his speech. The reason why he alluded to a change of administration, was the having heard the right honourable gentleman over the way, introduce the subject in his speech in the Committee, and he had always understood, that a debate on a Report of a Committee, was considered as a continuation of a former debate. He was willing to impute the personal rude treatment of him, rather to the heat of the moment, than to any intentional departure from that good breeding, which made so essential a part of the honourable gentleman's character.

Mr. Christie. Mr. *Christie* professed, that he was sorry the question was brought forward at all, but as it had been, he thought it was the duty of that House, to assert its rights, and decide upon them, for the benefit of posterity. He was not, however, prepared to go the length of the third resolution, and begged not to be considered as precluded, by his vote of Wednesday, from dissenting with the right honourable gentleman at the head of the Exchequer, on that question. After the glorious effects of the Revolution, he conceived that we ought to act in the same way, to declare the Prince of Wales Regent, as our ancestors had declared the Prince of Orange King, and to address his Royal Highness to accept the Regency. He did not think it right to place any restrictions whatever on the Prince, while acting as Regent.

Mr. Hardinge. Mr. *Hardinge* having premised, that so important a question as that under discussion, had not engaged their attention, since that famous memorable Revolution, which gave us a free Constitution, and secured our liberties, added, that during an unfortunate crisis, like the present, when there was a suspension of the exercise of the Royal Authority, the people of the land ought to repair the defect. He agreed with many gentlemen on the other side, in their premises, but not in their application. No man had a greater dislike to make parliamentary declarations of constitutional rights than he had; nor would he ever consent to any such declaration, but where the necessity absolutely required it; because, his opinion was, that the House of Commons ought to speak by its actions, and not in words. In the present case, he thought an unavoidable necessity did require a declaration of the rights of the House, and he would tell the House why. The question of right had been challenged. The right honourable gentleman over against

against him, at the very first moment when the Royal incapacity was established in a manner satisfactory to that House, had risen, and asserted the Prince's right. Let him remind the House of what the right honourable gentleman had himself said; for, the manner of the declaration was material. With a frankness that did him honour, the right honourable gentleman asserted the Prince's right; and he had since told them, that he had long lived in confidential habits with the Heir Apparent. The assertion struck every man with its novelty, and it went forth, and made as much impression on the minds of the public, as it had done on the minds of that House. It afterwards appeared, that the right honourable gentleman's words had been misconceived, but according to his own explanation, it turned out, that his argument was not mistaken. A noble relation of his, who had long stood distinguished, as a tried and faithful watchman of the land-marks of the constitution, stated, in an another place, (the House of Peers) the doctrine that the right honourable gentleman had broached in that House, as it had been conveyed to him; and it was no wonder that he caught at it with avidity, and took the opportunity of declaring, in the first public assembly he could address, that so novel a claim had been made; and, indeed, to have done less would have sunk his character. Happy had that indiscretion, in such a character, and at such a moment, proved, since it had obtained the House the favour of hearing a full explanation of the meaning of the right honourable gentleman. Mr. Hardinge declared that he admired the wonderful abilities of the right honourable gentleman; but, with those abilities, he did not think he would be able to support his own argument, and he would presently explain why he thought so. The claim from the Heir Apparent had been borne, but, let it be remembered, the right never had been specifically disclaimed. The challenge of right, therefore, remained undecided, and ought a question of that nature to be shrank from, and suffered to go down to posterity unresolved? What was the pretence for not agitating it? Civil tumults and a variance might possibly take place between the two Houses. He denied the chance of either; but, suppose that civil tumults had ensued, was a British House of Commons to be deferred from doing its duty by a dread of popular misconstruction of their proceedings. By the right honourable gentleman's declaration, he would state what he took to be the right honourable gentleman's meaning, that, on the incapacity of the King to exercise the Royal Authority, there attaches a right to the Heir Apparent to exercise the Royal Authority the same as if His Majesty had undergone a natural demise. Mr. Hardinge said, he would stop a little to examine the fences and outworks of such a position, before he entered on the substance of it. He then desired the House

to take notice, that the right was not to attach till after the King's incapacity had been declared by the two Houses of Parliament, and the two Houses had adjudged the right to belong to the Heir Apparent. This circumstance he laid a stress on, and asked how it was possible for any man to conceive that such a right could so attach? What, was the Heir Apparent to wait not only for the declaration of the two Houses, but for their adjudication? On the actual demise of the Crown, did the new King wait for a declaration of Parliament of his father's death, or for their adjudication of his right? Certainly not, it would be absurd in itself, and highly expedient that he should. The right honourable gentleman had compared it to the case of an election of a Member of Parliament; but surely there was no analogy between the two cases; the proof that a candidate is eligible, a majority of good votes, a free election, and a return, constitutes the one case, and makes a Member of Parliament. He would say a very few words to the right honourable gentleman, because a very few words would shew that the Constitution itself decided the point. Different degrees of incapacity certainly existed. The child on the knee, the second child (the dotage of old age) the perpetual child (the ideot) the delirium of a fever, the delirium with data, absence, and a variety of others, all cases in point. The infant on the mother's knee was provided for by the precedent in the infancy of Henry VI. when the Duke of Gloucester was the Regent. Not a single case appeared of a Regent who had not been fettered one way or another, nor one that had been self-appointed, nor one that had pretended a right to assume it. Having stated these propositions, he added that he would pursue an idea started by his honourable and learned friend with regard to the two Regency Bills, one agitated in the reign of George the Second, the other in the reign of the present King. He held a copy of the preamble to the two Bills in his hand. He then proceeded to state the tendency of each, and argued that they both recommended the disinherison of the right heir, who was the Duke of Cumberland in one case, and the late Duke of York in the other, and yet nobody thought it a hardship although the Duke of Cumberland was at that time in the plenitude of his popularity, and the Administration was peculiarly a Whig Administration under Mr. Pelham, who though not a very brilliant, was an able Minister, and an honest man. But, no person had complained of the measure, as a measure of injustice, nor did it suggest itself to the mind of any one person that the restraints imposed on the Prince of Wales (who was named as the Regent, and not the Duke of Cumberland) was unconstitutional. The second Bill was chiefly copied from the first, and created great debates in that *House, the walls of which almost rung, yet as it were with*

the echo of a pocket regent. He saw a gentleman, who was a Member in both Parliaments, and most probably in the House when each Bill was debated (Mr. Welbore Ellis). Upon that right honourable gentleman should he beg leave to call and desire him to state, if in either case there had once occurred any idea of doing an injury to the right of the Heir Presumptive, or that of any other? Besides, who were the Lawyers of those days, when the last Bill was agitated? Had the House heard of such men as Sir Dudley Ryder, Lord Mansfield, Lord Hardwicke, and other great constitutional magistrates? Mr. Hardinge next adverted to the observations of Sir Grey Cooper concerning the History of the Times in the 31st and 32d of Henry VI. and said that if the Duke of York was the tyrant that he had been described, how much stronger did it make the case in favour of the argument on *their* side? The better was that precedent, surely, which was taken, from troublesome times, and had undergone considerable discussion and dispute; but, the case of the Revolution had been mentioned, and relied on, as a case that applied. At the time of the Revolution every one of the incapacities stated on the present occasion had been canvassed, and it was wonderful how nearly the doctrines of the high Tories resembled those of the right honourable gentleman opposite to him; but the Revolution and the present case were not parallel cases, although the noble Lord in the blue ribband, who he was very sorry he did not see in his place, had laid so much stress upon it, and urged the House to do as the House had done at the time of the Revolution—go strait forward to their point, and immediately declare a Regent, as their ancestors had, at the Revolution, declared a King. The Noble Lord, he confessed, had made a most ingenious speech, and reasoned with great force and acuteness; but although in general his memory was equally ready and correct, it happened that the Noble Lord was materially incorrect in almost every one instance of reference to the Revolution. The noble Lord had repeatedly said, that that House declared the Throne vacant, and the Prince of Orange King, without entering on the discussion of theoretical questions. The fact was notoriously otherwise; so far from it, that one of the most subtle theoretical questions was discussed and decided in that House, that ever was framed. A declaration respecting the appointment of William and Mary, to be King and Queen jointly, with a definition of the separate powers of each. The Noble Lord had observed, that he was not for legislation, why?—because we had a King upon the Throne. That House did legislate at the period of the Revolution, and, as a proof that they had legislated, Mr. Hardinge produced and read a copy of the Resolution of the Lords Spiritual and Temporal and Commons respecting King William and Queen Mary; but this perhaps (he added) might be considered by the other side of the House as a trifling, a mere spirit of legislation not

no: worth notice! Striking and powerful, indeed, was the difference between the Revolution and the present case, since in the former the natural and political capacity of the King were gone ; whereas, in this case, His Majesty's political capacity remained entire, although his natural capacity would not permit him to exercise it. Mr. Hardinge proceeded to observe that the honourable gentleman seemed to confound hereditary and elective right. In point of law King James was a King after he left Great Britain, and continued so till the end of his life ; but, the Constitution said *no*, and would not permit him to act as King of England after his abdication. The honourable gentleman would probably ask, was the Crown hereditary or elective ? He would say hereditary, and it undoubtedly was so ; but if the King upon the Throne conducted himself in such a manner as to forfeit his Crown, it became elective. And, there, the advantage of the Heir Apparent came round again, as Serjeant Maynard had said at the time of the Revolution, "when there was a defect in the exercise of the executive power, that House had a right to make a provision for it, but they must not violate the hereditary right of the Crown." In proof that care was taken of this, he mentioned the Act of Settlement which was so much in favour of Mary, whose issue had preference to the heirs of William.

Mr. Anstruther rising, observed that he must beg leave to contradict the assertion of the honourable and learned gentleman (Mr. Hardinge) that James the Second was a King to the end of his life. He must, also attack the third Resolution as subversive of the principal resolution. A right honourable gentleman (Mr. Pitt) had thought proper to declare, that every man in His Majesty's dominions had as good a right to the Regency as the Prince of Wales ; but, this was a doctrine which, for his own part, he reprobated and condemned. Every situation in society had certain duties attendant upon it, but, the Country had an interest in the person of the Prince of Wales, which they had not in any other person, whence the Prince was in an especial manner protected by the laws, and had many peculiar rights and privileges, and whence resulted his Royal Highness's right to the Regency of this Country. The Monarchy of Great Britain was hereditary only on account of its public utility, and that public utility was equally dependent on the Regency being hereditary ; if we made it a matter of appointment, we made it a perfect matter of canvas, and might have one Regent appointed by the House of Lords, and another by the House of Commons. After mentioning the Prince's strict right in Scotland, Mr. Anstruther admitted that it was not quite fair to pursue the analogy of the Prince's rights to *private estates*, however it might apply. He next said, that he *ust take the liberty to correct* (what he termed) a *complete stake in the learned and honourable gentleman* (Mr. Hardinge).

dinge) and, returned again to the third Resolution, the meaning of which (he contended) was, that the Houses of Lords and Commons were to forge the Great Seal of England, and issue out a commission to pass a Bill legislated by the two Houses. He asked, would a Bill so issued have his Majesty's consent? Most undoubtedly it would not; their own Resolutions on the table would give the lie to it. And if they could pass one Bill, they might pass more. They might continue forging the Great Seal for a day, a week, a month, a year, and, if they pleased, for ever. Mr. Anstruther desired to be informed whether this could be so easily done, and was to pass for law, why had not our ancestors, at the period of the Revolution, dragged the Thamis for the Great Seal, and done the same as was meant to be done at present. They might, by the help of the same sort of forgery, have kept the kingly power in their own hands, and have had nothing to do with William and Mary. If it could be done in one instance, it might be done in any; they might lop off one branch of the Prerogative, and then another, and so continue the amputation, by degrees, until no Prerogative whatsoever remained. Mr. Anstruther reprobated the Precedent in Henry the Sixth's time, and censured the mode of passing the Bill proposed in the third Resolution. He called it a clumsy, absurd, wicked project, and said, that the Commissioners would be such perfect puppets, that they would have no voice of their own of either assent or dissent. He recapitulated the cases of Edward III. Richard II. and Henry VI. and observed, that what had been called a Council of Regency in the latter's reign, had been quite the contrary; and a Council which the Barons meant to have put concerning the King himself. The Council consisted of five of his brothers, and the rest were his near relations. A learned friend of his, in justification of precedents taken from troublesome times, had said, that if they condemned those Precedents merely upon *this* account, they might as well declare Magna Charta was no Act of Parliament. He should be sorry to say that Magna Charta was no Act; but he had ever considered Magna Charta as an object of admiration, and reverence on account of its intrinsic merit.

Mr. Beaufoy rising next, said, in this late hour of the debate, and still later of the argument, I shall trouble the House Beaufoy with but few remarks; nor should I have troubled them at all, if an honourable gentleman (Mr. Wyndham) had not deduced, from maxims unmentioned before, conclusions which I consider as erroneous, and to which no reply has hitherto been made. But though I rise to answer his speech, I shall make no comment on the preamble with which he introduced it; for when I consider the solemnity of the occasion

sion which summons us here, when I consider how strongly the solicitude which is expressed in the countenances of our fellow citizens, the earnestness of enquiry that is heard in every street, and the numbers who crowd the passages to the place in which we are assembled, mark the anxiety of the public mind, I feel myself incapable of descending to the peevishness of personal invective, or the littleness of party spirit.

The House has repeatedly heard the declaration, that the Prince of Wales has the same hereditary right to the full exercise of the powers of the regal trust, that he would have had in the case of an actual demise of the Sovereign, and you are no strangers to a similar declaration, which a person of judicial rank is understood to have made elsewhere; but the honourable gentleman is the first who not only endeavours to dissuade you from rejecting these injurious assertions, but whose arguments against that rejection are founded specifically on the maxim, that the probable consequences of any proceeding are the best criterion of its merits. Does he then really conceive, that if you do not expressly and solemnly contradict the doctrine which has thus been held, no inconvenience will follow to your own dignity, none to the order of the Constitution, none to the well being of future times: or, can he think that any thing less than such a contradiction will be sufficient to vindicate your essential rights from that denial of their existence, which not the leader of a party alone, but one of the most eminent of the judges, professing to speak the language of the law, has deliberately and solemnly pronounced?—Power is upheld by opinion; I cannot, therefore, acquiesce in the insidious flatteries, which assure you that no assertions, either of Statesmen or Judges can be injurious to your privileges—that declarations of rights are inconsistent with dignity—that they imply a previous doubt, and that they weaken while they profess to support. I dread the disguised hostility of this seeming zeal for your honour—For, who are the persons who hold this language? Are they not the very men who have declared, that you have no power but that of acknowledging in the Prince of Wales an independent pre-existing right; that the ceremony of investment is all you have a pretence to claim; and that the authority of a Court Baron, which, on proof of the heirship, must admit to the inheritance, is the whole that you possess? God forbid! that such advocates for the honour of the House of Commons should ever be taken for her guides: for who does not see that if their counsels were followed, some of the most distinguished Members of the House may soon be involved in the consequences of legal guilt. Has any man asserted that the two Houses of Parliament should impose limita-

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tions and restrictions as the conditions of the Regent's power? That man, we are told, is guilty of direct and deliberate treason; for all such limitations and restrictions are acts of legislation; and he who advisedly declares that the two Houses of Parliament, independently of the King, have a right to legislate, is, by a specific statute, pronounced to be a traitor. Could we then be surprised, if, at some future period, an Attorney General should be directed, extravagantly indeed according to the idea which I entertain of constitutional law, but rationally and necessarily, if the honourable gentleman's opinion be true, to prosecute, on a charge of treason, those Members of the House who have dared to assert that the two Houses of Parliament have a right to prescribe limitations to the power of the Regent. From a situation so humiliating to the House, and so distressing to its Members, who is there that would not wish to be relieved, and who does not see that nothing less than a formal and explicit disavowal of the right honourable gentleman's doctrine can possibly restore to the Members that confidence which is essential to the freedom of debate, and to the House itself that dignity which is requisite to the full effect of its resolves.

But it is not to the interest of the present time alone that the operation of this doctrine is confined: I agree with the honourable gentleman that temporary interests are lost in the magnitude of the general consideration, and that even the circumstances of the present crisis, awful as they are, are but of secondary moment. For the principle he attempts to establish involves in it the misery of distant generations. How certainly this will be the case, will be obvious if we recollect that the principle as strongly applies to the claims of an Heir Presumptive as to those of an Heir Apparent: and that in the course of human affairs instances may again occur (for heretofore they have often occurred) of a Presumptive Heir who is little connected with the Sovereign on the Throne, either by the ties of immediate consanguinity, or by the firmer tie of personal attachment.

The Princess Anne was far from being closely united to the Sovereign then on the Throne, and she herself when she came to the possession of the Crown was still more distantly allied either in blood or affection to her immediate heir. Now under such circumstances let us conceive the personal exercise of the regal authority by the Sovereign himself suspended by temporary illness, and then let us examine what in such a situation would be the probable consequence of the maxim we have heard. Should the Representatives of the People be anxious to provide, that with the Sovereign's returning health his Sceptre also should return; vain and extravagant

travagant would be their wish. You have not, says the right honourable gentleman, the means; you have not ^{the} power to make the provision you suggest: all your authority is limited to one point; you may recognize the power of the Heir Apparent, but that of power you cannot restrain; you may concur, but you cannot confine; you may embellish with expressions of zeal, with assurances of satisfaction; but, if diffident of future times, you can take no cautionary measures; if dissatisfied, you can neither withhold the trust, nor guard it from abuse. Your situation is utterly weak, incompetent, and helpless; your active functions, like those of your Sovereign, are entirely and completely suspended.—In such a situation who could answer for the peace of the kingdom; who would be responsible that the ancient competition between the *actual* King and the *rightful* King would not be renewed; and that the convulsions of former times, the horrors of which, though after a lapse of ages, still rise on the imagination, would not be again experienced? I know that I am speaking of circumstances foreign to the present times, but I also know that they are circumstances so necessarily connected with, and so naturally following from the honourable gentleman's arguments, that the establishment of the one will inevitably lead to the existence of the other. Whoever on the supposition that his doctrine is admitted, surveys the void of futurity, will see such forms of danger rising as are sufficient to appall the firmest mind. God forbid! that in return for the blessings we have received from our ancestors, we should transmit to posterity a maxim of civil discord, a principle of national disunion.

Independently of the consideration I have urged in support of the expedience of an express declaration, on the part of the House, of the right which has been so strongly denied, there are in the uniform practice of our ancestors the strongest possible proofs that the system of the honourable gentleman is alien to the Constitution of England.

They alone who possess the power of conferring a trust can have a right to declare on what conditions that trust shall be held; whence it necessarily follows, that the invariable practice of the two Houses of Parliament in prescribing, in every instance, limitations to the Regency, furnishes an indisputable proof of their conviction, that the power to confer the Regency was in themselves alone, and that there was not in the Heir to the Crown the shadow of hereditary right to the possession of the Regent's office.—Shall I be told upon this occasion, that in almost all those instances there existed the *necessity* of guarding the interests of a minor king? My answer is, that in the present instance there exists an interest equally

equally sacred, an interest which, if I know the feelings of my countrymen, cannot be less dear to them from its being that of a Sovereign, of whose regard to the Constitution, and affectionate attachment to themselves, they have had the strongest possible proofs; it will be the less valued from its being that of a Sovereign, whose too great solicitude for the well-being of his subjects, has brought upon him the terrible visitation with which he is afflicted; nor can I think that their allegiance will be the less inviolable from its having been confirmed by the solemnity of an oath.—Our ancestors valued too highly the rights of the People, and too well understood the genuine principles of freedom, ever to admit the conclusions, for which the right honourable gentleman concludes. They knew that all such natural rights as the People have not relinquished must still belong to the People. They deemed these rights to be a part, as yet untransferred, of the general fund, and consequently to be a part to which none but the People can have any possible claim.—The right of succeeding to the Crown on the death of the Sovereign, the People have vested in his immediate heir, but the right of appointing a King whenever the Throne, in consequence of the misconduct of the person who filled it, shall be vacant, together with the right of appointing a Regent, whenever the Sovereign who wears the Crown shall be incapable of personally exercising the powers of the trust they have hitherto reserved to themselves; for our ancestors well knew that in such exigencies no provisions can be adequate but those which the wisdom of the time shall suggest; and therefore to the wisdom of the time, as residing in the Lords and Commons, the Representatives of the Nation, they have left them. But though on this occasion they have bequeathed us no specific law as the rule of our conduct, yet by the uniform course of the examples they have left us, they have shewn to what points that conduct ought to be directed; they have given us a proof that, in exigencies like the present, the two Houses of Parliament are to be considered as acting in a double trust: as trustees for the Sovereign as well as for the People, and therefore as doubly bound to be cautious, that in the exercise of the authority which arises from the occasion, the power they exert shall not be greater than that which the circumstances of the time, and the nature of the exigence demand. It is in direct defiance of this equally just and prudential rule that the honourable gentleman argues: for the tendency of all his reasoning is to show that the Houses of Parliament are bound on this great occasion to appoint not a Regent, but a King; and that under the name of Regent, and during the life of the legal Sovereign, they ought to recognize in the

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Heir Apparent, an hereditary right to the actual possession of the Regal office.

It surprises me much, to observe with what earnestness, in a most enlightened period, the honourable gentleman contends for the maxims of the darkest ages, and to remark with what zeal he labours to rebuild, in a new form indeed, but with all the ancient materials, that exploded system of power, which appropriates to the Prince, by hereditary ownership, the inherent rights of the People. Upon his principles, the glorious Revolution must be considered as a profligate act of deliberate robbery, and consummate injustice; for, on his principles, the right to the Crown was not in King William the Third, but in the Princess of Orange, in whom alone the claim of hereditary right was understood to reside. Parliament, therefore, according to him, usurped a power to which they had no pretence, and gave that to King William which they had no right to bestow. God forbid, that we should thus renounce our share in the fame of our ancestors, and stigmatize, disgracefully to ourselves, the most illustrious event which the history of the world records.

Thus, Sir, it appears, that on every consideration of the dignity of the House, of the justice which is due to its Members, who ought, on this occasion, to be informed of the nature and extent of its authority, as well as on every consideration of the peace and tranquillity of *future times*, and of the great principles on which is founded that Constitution which is *our* boast, and if faithfully transmitted, will be *their* security, we are called upon to agree with the Committee, in declaring the rights which the Resolution before us strongly and emphatically asserts.

Mr. *Dempster* begged leave to propose an amendment to the second Resolution, which, he contended, would rescue them from the greatest solecism which he had ever witnessed. The Revolution, he added, was no precedent in point for the present proceeding. Our King was not likely to be expelled the throne, because he was a King loved by his subjects; but he was a man, and consequently subject to all the calamities and infirmities of human nature. We had, at this time, a Prince of Wales, the Heir Apparent to the Throne, of full age. Why then should we have a King, made up like nothing that ever was conceived before, an un-whig, un-tory-like, odd, awkward, anomalous monster! He declared that he stood up as an independent man, connected with neither party; and the amendment which he had to propose, was an amendment of his own, without consultation, and without connivance. He did not even know whether his amendment would be seconded; but, such as it was, he would move it, that he might at least endeavour to preserve the Constitution.

Constitution from what appeared to him to be dangerous. His first amendment was, to leave out the word "Right," because their best way of declaring their right, was not to express it by a word, but by the exercise of it; and with that view, he should farther move to leave out the words "in such manner as the exigency of the case may appear to require," and insert, "by presenting an address to the Prince of Wales, Heir Apparent, and of full age, humbly beseeching him to take upon himself the administration of the civil and military government of the country, during the incapacity of His Majesty, and no longer." Mr. Dempster took notice of the reports which were abroad, that the measures now going on in that House originated from an intention, if possible, to prevent a change in the Ministry. He thought that no such paltry considerations ought to sway their minds in the progress of so important a proceeding. He had sat in that House near twenty years, and seen a new Ministry almost every year. He concluded with moving to leave out the word "right."

Mr. Courtenay seconded the amendment.

The Speaker read the amendment, and put the question upon it.

Mr. Powys expressed his idea that the present question would turn merely on the word "right." If any law existed, it ought to be, that the Prince of Wales should take upon himself the Regency, but there being no law, it would be more unconstitutional than the other mode of proceeding. Mr. Powys.

The question was put, and carried, "That the word "right" stand part of the Resolution." The question was then put, "That the words "in such manner as the exigency of the case may appear to require," stand part of the Resolution."

Mr. Powys now observed, that had the question been suggested three days sooner, he should have been one of the first to have risen to second it. He should always consider the honourable and learned gentleman over the way, whether in or out of office, as one of the first legal authorities in that House; and as he was ready to confess, when he was convinced by argument, which he sometimes was, by what he heard in that House, so he now acknowledged, that by the honourable gentleman's distinction between the case of the Revolution and the present case, and the difference that he had, with such ingenuity, laid down between the natural and political capacity of the King, being both at an end, whereas in this case, His Majesty's political capacity was entire, although he was not in a state of natural capacity to execute his kingly office, he was convinced, *his opinion, that the Revolution afforded a case in point, was erroneous, and that those precedents which he had not* Mr. Powys.

thought much in point, were very much in point. That of Henry VI. was not strictly so, because when the Duke of York was Regent, he represented a King, and there was a Parliament at that time, a commission being legally issued, giving a general power to hold it. Mr. Powys added, that he thought the Resolution liable to objection. He wished that the first person in the kingdom might be called upon to take the Government. In protecting the rights of the Crown, he protected the interests of the People. For, what were the rights of the Crown? Only the powers vested in the Crown, for the preservation of the interests of the People. As the Resolution stood, they were putting themselves in disguise to maim and mutilate the Constitution.

Mr. Chancellor Pitt. Mr. Chancellor Pitt, having read the amendment, said, that the words "As Heir Apparent," seemed to justify the Prince's claim to right, and so, by an equivocal turn, to contradict the Resolution. Now, as he conceived that every part of the House would agree with him, that such a claim, if asserted, should not be asserted obliquely, and by a side wind, he thought it would be better that the Resolution stood as it did before. With regard to the question, whether the Prince of Wales, as Regent, should have the whole Royal Power, or only a part, till that point was ascertained, it had better not be discussed; because, at any rate, the House ought not to be taken by surprize.

Mr. Fox. Mr. Fox declared, that he was not, by any means, inclined to look with approbation upon the circumstance of lending the question a new turn, without the House having a proper time to consider of it. He apprehended, from the words of the third Resolution, that one of the points was determined; not that he meant to say that he approved, he had contended against it; but having contended in vain, he should make his stand at another post. He was prepared to contend, that the third Resolution, by putting the two Houses into the capacity to pass a bill, did, what he had great doubts that the House could not do, antecedent to the declaring a Regent.

Mr. Dempster. Mr. Dempster said, that he expected the debate to finish, but he was willing to waive the words "Heir Apparent."

Mr. Burke. Mr. Burke remarked, that they did not, in the smallest degree, tend to overturn the Resolution; and that a person of full age was the fittest to be guardian of a person in a state of incapacity. The name of the Prince of Wales, when they considered who he was, was such, that he was certainly properly described in the amendment.

Mr. Fox. Mr. Fox thought that the House had decided this point already, at least he was convinced it had been carried against him, and to that decision he bowed. He asked whether the

right honourable gentleman might not waive the Resolution; he should not wish, any more than the right honourable gentleman, to have that done by a side wind, which had been expressly decided before.

Mr. Chancellor *Pitt* answered, that he must still consider Mr. C the third Resolution as connected with the second, and as ^{celor F} giving the true description of the only way of proceeding constitutionally to take the necessary measures in this important crisis.

Mr. *Burke* called upon the country gentlemen to be more Mr. B careful how they voted in future. They might now see the consequences of blindly voting with a Minister for they scarcely knew what. He wished to awaken their vigilance, that their honour and integrity might be preserved from danger, and that they might not be entrapped. One person had a scheme against their simplicity, which he had practised, step by step, till he had them so fast entangled, that they could not recede. The right honourable gentleman had persuaded them to vote a first Resolution, and then a second, and now he told them they must vote a third.

Mr. Chancellor *Pitt* expressed his astonishment at the at- Mr. C tack which had been made upon him; and desired gentlemen ^{celor I} to recollect, whether in his whole conduct throughout the proceeding, he had ever done any thing which looked like a design to entangle or entrap them. The third Resolution was, in his opinion, the only constitutional mode of carrying the second into effect. If any person could shew another mode equally constitutional, and better calculated for supplying the deficiency, he was ready to adopt it.

Mr. *Marsham* expressed his sincere wishes that the country Mr. Marsh gentlemen would not be led away by the sophistry or the ingenuity of the great men on either side of the House. He begged to say, that after what he had heard in that House, and without doors, he thought it necessary for Parliament to declare, that it was their right and their duty to provide the means for supplying the defect in the exercise of the Royal authority. Neither, upon this occasion, could he avoid doing justice to the right honourable gentleman (Mr. Chancellor *Pitt*,) by declaring, that, throughout the whole of the business, he had not only conducted himself unexceptionably, but in a manner highly to his credit. He did not, he said, mean to insinuate, that the Prince had no right. He had but clear common sense, but he could not help thinking there was a more plain method of coming to the same point; he meant the method pursued at the Revolution. The one, the plain way by address, the other by petition. Why not go up with an address, and resort to the old word, a word that answered every purpose at once pray his Royal Highness

to accept the Regency? There being a cry of move! move! Mr. Marsham spoke of restrictions that had been talked of, and said, he thought that there ought to be none at all. The Prince's delicate situation ought to be considered. He felt it as much as them all, and with additional poignancy. It was evident, from the declaration that he had made in another place. For his part, he thought it the interest of the Prince of Wales, in common with them all, to do every thing to make the kingdom flourish.

Mr. Christian. Mr. *Christian* declared he scarcely knew which way he ought to vote. He did not wish to shrink from his duty; but the possibility of voting away the rights of the Crown, under pretence of defending the rights of the People, staggered him.

Mr. Rushorth. Mr. *Rushworth* contended they had done wrong, from the beginning, by letting any person come down to the House, but the Prince of Wales. He reprobated the declaration, that the Prince of Wales had no more right than any other individual subject. He put the case, that had the same calamity befallen his late Majesty in 1745, in the year of the rebellion, would a Minister have dared to have made the same declaration? He must have found shelter some where else than in the House, had he proceeded to a length so daring.

Mr. Harrison. Mr. *Harrison* remarked, that the only objection which they could have to placing his Royal Highness in that situation, must arise from an idea that he would not part with it, when His Majesty should recover. He asked, on what fears was so unjust a supposition grounded? Let the House consider his Royal Highness's filial attention and tender regard to his mother and sisters during the dreadful period of the family's severe affliction. Let them view all his private virtues, and then say, if he ought not to be declared Sole Regent, with all the Royal prerogatives, which was the only proper means of restoring the third branch of the Legislature.

Mr. Dempster withdrew his amendment from the second Resolution, which was carried, as it stood originally. He then moved to leave out all the third Resolution, from the word "determine," and insert his amendment.

After some farther conversation between Mr. Marsham, Mr. Fox, and Mr. Chancellor Pitt, on a proposition of the two former to adjourn the debate, it being then ten o'clock, and the third Resolution likely to bring on a long discussion, the point was at last given up by

Mr. Chancellor Pitt. Mr. Chancellor Pitt, who said, he was not only anxious for all reasonable dispatch, on account of the great importance

tance of the object, but also to relieve the suspense of the public, and set their minds at ease upon the subject.

The House adjourned.

Monday, 22nd December.

The Speaker having taken the chair, and the order of the day being moved,

The Speaker read the motion which had been made for the amendment of the third resolution of the Committee of the whole House, upon the consideration of the state of the nation.

The resolution of the Committee stood thus :

Resolved,

That for this purpose, and for maintaining entire the constitutional authority of the King, it is necessary that the said Lords Spiritual and Temporal, and Commons of Great Britain, should determine on the means whereby the Royal Assent may be given in Parliament to such bill as may be passed by the two Houses of Parliament, respecting the exercise of the powers and authorities of the King, during the continuance of His Majesty's present indisposition.

The amendment was to leave out from the word "determine," to the end of the question, in order that the following words might be inserted, " Humbly to address his Royal Highness the Prince of Wales, to take the care of the Administration of the civil and military Government of the Kingdom, during the continuance of His Majesty's indisposition, and no longer." So that the motion, the Speaker said, then before the House, was,

That for this purpose, and for maintaining entire the constitutional authority of the King, it is necessary that the said Lords Spiritual and Temporal, and Commons of Great Britain, should determine humbly to address his Royal Highness the Prince of Wales to take care of the administration of the civil and military Government of the Kingdom, during the continuance of His Majesty's indisposition, and no longer.

Mr. Burke now rising, declared that he considered it as his sole pride, and his exclusive glory to deliver, in his character of a Member of Parliament, his sentiments, not with a view to please the People by flattery at their own expence, and to persuade them they possessed powers, to which they had under the constitution no right ; but, on the contrary, to speak against the wishes of the People, whenever they attempted to ruin themselves. He submitted his remarks to the consideration of the House, under those impressions without fear, and without seeking popularity, and, whether his sentiments would be considered as favouring of Whig or Tory principles, he was very indifferent ; and what the opinions of others were,

Mr.
Burke.

were, as to the degree of desire he had for employment, he gave himself no uneasiness to discover. He indeed knew as little of the inside of Carlton House, as he did of Buckingham House; he only hoped he should be understood as he really meant, to deliver his sentiments as a plain citizen. After this exordium, Mr. Burke proceeded to remark, that our situation at present was really a state of inactivity, and such as was not to be relieved or remedied by the ordinary course of law: there was a defect which must be supplied, but it was to be supplied by the genuine spirit of our constitution; to travel out of the constitution, he hoped no Member of that House would be rash or hardy enough to attempt: there was a tribunal of honour, and a tribunal of reputation, to which every man possessing the smallest sense of the dignity of virtue, would always consider himself accountable.

The doctrine of necessity was to be considered in union with its own peculiarities, and it was always to be regarded as no plea, whatsoever, when its labours are for its own destruction. We had been told, upon this solemn subject, that necessity obliged us to take certain steps; and all these declarations, when sifted, appeared to be mere words expressive of the opinion of individuals, and if sanctioned and approved, would operate as an utter subversion of our liberties, our property, and character as a nation. Thus the mere *ignis fatuus* of private judgement was to supersede the wisdom of ages.

Was there a possibility of selecting more seducing words than those with which the third resolution began, " That for " maintaining entire the constitutional authority of the King " it was necessary that the Lords Spiritual and Temporal, and " Commons of Great Britain, should determine." What! Why, that the representative of the Kingly honours shall have no other power than the House of Commons shall think fit to allow him; that the constitution shall in fact be changed, be overturned and annihilated.

For his own part, Mr. Burke added, that he was perfectly contented with the constitution as he found it; he wanted no alteration; but there were others who did, and who set little or no value on the wisdom, integrity, and patriotism of our ancestors, who struggled so gloriously in defence of the right of an ungrateful posterity. To argue upon principle, he considered himself as fully justified in asserting that Great Britain is governed by an hereditary Monarchy; it was so by the written and by the unwritten law; it was so by the very essence of our excellent, our at present matchless constitution, and Heaven forbid it should ever prove otherwise. It was our

in inheritance—it was our powerful barrier, our strong part against the ambition of mankind! It held out an ex-
cuse lesson to the most aspiring; it said, " thus far shalt thou go, and no farther;" it sheltered the subject from the
tyranny

tyranny of illegal tribunals, bloody proscriptions, and all the long train of evils attendant upon the distractions of ill-guided and unprincipled republics.

The language of the Resolution, indeed, excited his astonishment ; that we are to devise means, that is, that the House of Commons are to direct the Sovereign how he is to act. When he considered this, he believed every reasonable man would be induced to imagine, that we were in America in the midst of a new commonwealth, devising the best means we can to establish a new constitution, not to protect and preserve inviolate an excellent old constitution already established ; he would not have it, however, understood that he was an enemy to all sorts of republics ; on the contrary, he knew full well there were many very good republics : but that there existed on earth a republic calculated as well for the happiness of a nation, as our monarchy, he did not believe.

And yet, what was it possible for the House to conceive of the right honourable the Chancellor of the Exchequer, that any one subject has as good a right to the Throne, in this instance, as his Royal Highness the Prince of Wales ; that is to say, that any individual has as good a right as the House of Hanover. Was it possible for such monstrous opinions to be entertained ? But at the present crisis, there was something very ungenerous in persisting in such sentiments ; if we fight against the Crown, let us fight against it fairly ; when the Monarch is seated on the Throne, then the contest may be fair ; then we act manfully : but what is to be done when the Crown is in a *deliquium* ? We should take a man with a large brow and a big wig ; he is a fit person ; trust none of the Royal Family, for they will all rob the Crown, because they are the relatives of the Sovereign ; and, in order to fix a proper and legal sanction upon our proceedings, we will give a fictitious consent to our own acts ; for, we are to determine on the means whereby the Royal assent may be given in Parliament to such bills as may be passed by the two Houses of Parliament, respecting the exercise of the powers and authorities of the King, during the continuance of His Majesty's present indisposition. This is called the Royal assent, without any intimation to the Royal person of any such assent, or to the illustrious personage who is to act for him ; this was a glaring falsehood, and a palpable absurdity. He did not approve of any robbery, house-breaking, highway-robery, or any other felony ; yet each of them was less inexcusable than law forgery. That the Great Seal was to be affixed to a commission robbing the executive power of its due function ; a certain composition of wax and copper was to represent the Monarch : this was a species of absurd metaphysics,

taphysics, and absurd mechanics; such preposterous fiction, that he did not see how it was possible to treat it otherwise than with contempt and ridicule; but, the great effect which this absurdity was to have, made it serious and important. Here Mr. Burke said, “ I disclaim all allegiance, I renounce “ all obedience and loyalty to a King so chosen, and a Crown “ so formed”—[a great cry of hear! hear! hear!] “ I have (he continued to observe) “ given my allegiance already to the “ House of Hanover, to possess the power given by the Con-“ stitution. I worship the gods of our glorious Constitution, “ but I will not worship *Priapus*.”

Mr. Burke next begged leave to inquire of the gentlemen on the other side, why they feared the Prince of Wales would abuse his power, or why they doubted whether he would consent to any necessary abridgement of power, when such necessity should be made manifest?—Had not the present King consented?—had not George the Second consented?—had not even William the Third consented? And had not, in short, the whole line of our Kings, since the Revolution, consented to all necessary limitations? And if they had, what reason was there to be urged for supposing the present Prince would adopt a conduct so different from his ancestors? And, if they thought so, why did they unanimously concur in chusing him, nay, proposing him, since there were among His Majesty’s Ministers men of such pure and spotless virtue?

At once irregular, as well as dangerous, was the present mode; for the House began with resolving themselves into a Republic completely, instead of being one of the three estates. It was impossible, in any point of view, not to see the gross absurdity of the present mode of proceeding; a great deal had been urged in support of different precedents; but he should find himself obliged to any gentleman who could point out one precedent where the Heir Apparent was of full age and discretion, and fit to govern; where even in the darkest, the most distracted, irregular, and confused Government, it was not the uniform opinion that such a Prince should be chosen to govern. When all the heterogeneous mass of cases and farrago of nonsense, under the title of legal distinctions, were considered, every man of common understanding, and integrity of principle, must see the necessity of governing the whole of them by the genuine spirit and the fair principles of the Constitution. He hated all distinctions and constructions which would not square with the principles of good sense; and, if the contrary doctrine was adopted, the House might, among themselves, chuse their own Great Seal, together with a person to hold it.

As to the case of the Speaker of the House of Commons in the 31st of Henry VI. it was allowed by gentlemen on the other side, that it was not law then; but by their present arguments it is law now. He dreaded the idea of a common recovery of the Crown, where any individual, either in that House, or the House of Lords, was to become the voucher. When he wanted a King, he wanted a man possessed of proper and appropriate power, but a King by the Commons was the creature of the Commons; it was the King's name, but without his will.

Allusions had, upon this occasion, been made to the Revolution and the Restoration; but they were acts of necessity, having attendant upon them their peculiar ways; but what was the nature of the Revolution, and what was the nature of the restraints upon the executive power agreed upon, and consented to, upon that memorable period? They were these: If a King shall abolish or alter Courts of Law, trial by jury, or religion, or erect a standing army; then the compact is dissolved, and all right and power reverts to the people; and the people, by plots, conspiracies, or any other secret or violent means, may hurl such a King from the throne. The Revolution was, in fact, a precedent of a delinquent Monarch; a precedent to teach this lesson to Kings:

Dicite Iustitiam moniti et non temere Leges.

How exceedingly needless also was the notice which had been taken of the words of a right honourable gentleman, (Mr. Fox) upon the question of right.—“Q. Name?” added Mr. Burke, “I have lived to see, this day, a single word dropped from an individual, producing such alarming consequences, that nothing short of a declaratory bill, solemnly passed by both Houses, can be sufficient to answer the purpose of a negative to this word.” Thus they had, indeed, paid a compliment to his right honourable friend, and thus they had presented him with a dish, on which the most voracious appetite might feed until it was satiated.

Mr. Burke next adverted to the case of general warrants, and quoted the expressions of Sir George Saville, upon the power of the House, relative to declaratory laws. He observed, that the mention of Sir George produced before his mind the agreeable image of the Marquis of Rockingham, of whom were happy in the oblivion of their degenerate times.

His next remarks were upon the situation of the late Mr. Farmer Buckford, when he delivered his speech on the 5th of November, 1765, tending to shew how strictly the House of Commons insisted on its Members not to speak in a man-

her that might be supposed to hint that the two Houses of Parliament had any power to alter or amend law, without the assent of the executive power.

With the idea of his right honourable friend (Mr. Fox) concerning the right of the Prince of Wales, he had the pleasure to coincide; for, if the King be blind, dumb, lethargic, or apoplectic, there must be some person who is perfect, or else to whom do we owe our allegiance? Gentlemen on the other side seemed to value themselves, like antiquarians, who have a Homer without a head; and the Constitution was thus made a museum.

Mr. Burke expressed his anxiety to be informed, by those who appeared to caution the House against the danger of giving to the Prince too much power, lest the King's right might, upon his returning health, be in danger, what the King could be supposed possibly to lose, by being represented by his own son? The rights, he contended, both of Lords and Commons, would be supported by it, and preserved. If the Prince were allowed to represent the King, without limitation, it would prevent cabals, intrigues, and dissensions; indeed, reason and equity, the safety of the country, and the safety of the Crown, were all joined in inducing him to agree to the sentiments of his right honourable friend (Mr. Fox) upon this occasion.

Gentlemen on the other side of the House had thought proper to remark, that we had a weak government; we had, indeed, a weak government in two ways; for, one King was disabled by nature, and another was disabled by art. He repeated his request to know upon what principle Ministry would elect the Prince, if they suspected him; and if they did not suspect him, why did they wish to limit or restrict him?

Were it possible for the Sovereign to be made acquainted with the present situation of affairs, he would feelingly exclaim,

" Upon my head they plac'd a fruitless crown,
" And put a barren sceptre in my gripe,
" Thence to be wrench'd with an unlineal hand,
" No son of mine succeeding."

He would then add, " Restore me to my former state and opinion; do not let me see a black-brow'd phantom on my throne!"

Adverting, next, to the consideration of depriving the Prince of the power of bestowing honours, Mr. Burke remarked, that the fountain of honour had, indeed, since the year 1784, profusely flowed. He did not mean to infer that this was wrong; but, if His Majesty had been thus bountiful, it would not be deemed extravagant to indulge him for a little

little in the same way; at least, to deprive him of that advantage was not very decorous—suppose, for instance, the Prince wished to bestow honours on the house of Cavendish, would any person in that House have the audacity to dispute the propriety of such an honour? Or suppose, that his Royal Highness should be disposed to revive the title of Rockingham, would it be deemed extravagant or improper? Here, conceiving himself to be interrupted during his remarks concerning the various possible claims for distinctions, which some families might have upon the Prince, Mr. Burke observed, that, in vociferation and noise, some persons were very great, but he knew a set of hounds which would eclipse them. He declared, that, for his own part, he never spoke to the Prince about any office; and here, perceiving a smile on some countenances, he added, that perhaps some gentlemen would not readily believe such an assertion; a doubt might be to them natural enough; but he wished to impress the House with a proper sense of the necessity of not depriving the Prince of the power of bestowing honours. “I should not,” he remarked, “mean, insignificant, and trifling as I am, like to see my name upon the roll of proscription.” All sorts of proscriptions, in cases similar to the present, were nonsensical, insane, and most preposterous declarations; for, they deprived the executive power of an essential part of its functions, of the glorious opportunity of rewarding virtue. Mr. Burke shortly hinted, by way of instance, analogous to the present, the case of Charles the Sixth of France, and concluded with advising the House to reflect upon the probability of convalescent sanity, and also to remember the danger and possibility of a relapse. The present occasion, was at once awful and important; and, therefore, he trusted that the House, deeply impressed with ideas of its alarming and unprecedented nature, would come forward with what every exigency demanded, and amply and effectually provide for the national security and welfare.

The *Solicitor General* declared that he felt himself justified in adhering to his former opinion; because, whatever might be the sentiments of some gentlemen, he felt himself prepared to assert, that he was at this moment supporting a King, whom no resolution of that House declared to be incapable: and as to the Constitution, and the maxims on which it is founded, he considered that the form of the Constitution is the substance of the Constitution.

It was upon this occasion, that he added, “I cautiously avoid saying any thing about the propriety of limitation. “When I come to that, my loyalty to my King, my respect to my Prince, and my duty to the place I represent, shall

"immediately govern my conduct, and direct my opinion upon the subject."

The Solicitor General now adverted to what he described as the general principles of right, and maintained his opinion upon the following positions: The right which ~~which~~ creates—necessity limits—and, that the right of the Commons is the exercise of their duty, and whenever they go beyond that right, they go beyond their duty, and consequently abuse their right. He remarked, that it had been insisted on that a Regent, in order to support hereditary succession, should be clothed with kingly power; and, in answer to this, he would beg leave to ask, whether any gentleman would say, that the appointment of a Regent was a complete delegation of the kingly power? Such an affection, he believed, would not be made, nor would any thing in its nature be for a moment contended; it was, in fact, impossible. Much had been urged concerning the impropriety of affixing the great seal to a commission, without the direction of the Sovereign; and he would say, that if the great seal had been affixed to a commission, calling together the House of Commons, that their meeting, under that commission, would be legal, notwithstanding that it was not the immediate order of the King, because, upon the face of the proceeding, every thing seems to be taken for granted to be regular.

With respect to the opinion of an honourable and learned gentleman, about dragging the river Thames for the great seal, he should only say, that if the proposition was true, which he believed to be so, namely, that the throne was not now vacant, he should have no care about the great seal. Upon a former occasion it had been argued, that we are to interpret the laws as they ought to be, and that when we do so, we are sure to be right in the second principle, if not in the first, and that we have the satisfaction of being very near, if not exactly, on the point of truth; but, to this he would answer, that the only way he knew of disposing of the law is, to act upon it as it is, in order to make it as it ought to be. If a doctrine contrary to this were to be ~~sanc~~tioned, what a mischievous example would the House set to the Judges, by allowing them to judge, not as the law ~~really is~~, but as they might capriciously think it ought to be.

Concerning the Royal assent being, in this case, to be given to the bill which was about to be passed, and the impropriety of giving assent, without the personal consent of the Sovereign, or the Regent who acted in his stead, he would observe, that when the assent was given, either by commission or by the Royal person, it was, when once obtained, always considered as binding and conclusive; but was this the first instance of the seal being affixed, without the immediate

diate knowledge of the person possessed of, or entitled to, the executive power; for, during the minority of Edward the Sixth, an instance occurred of the great seal being affixed to an act, signifying the assent of that Prince, when he was a minor of very tender years.

Sir John Aubrey rising next, said, Upon the present occasion I find it impossible to do my duty, as a Member of this House, without, *in some degree*, differing from those with whom I have for some time acted. Sir John Aubrey.

I concur with them in rejecting the doctrine of a Regency *de jure* in the Heir to the Crown; because it is, against *precedent*, and against *the law of the land*, and was so declared in Parliament in the reign of Henry VI. In fact, as I see the subject, *it is no case of Regency in any person*, except as the *whole* Parliament shall think fit so to treat it. The law of England, as I have been instructed, acknowledges neither infancy, nor delirium, nor any personal infirmity, to belong to the King upon the throne; for, in *this respect*, *the law looks only to his political character*, and supplies him with counsels to enable his acting politically, even when naturally he is most incapable.

But, I *do not concur* with them in thinking the House, at this moment, competent to exercise any of its parliamentary functions, more especially its legislative one; or to do any thing tending to such an exercise. The King has not yet appeared either in his person, or by proxy, that is, by a Commissioner representing him. I take it to be the essence of Parliament, that the three branches of the Legislature should be assembled, before one begins to act. But only two are now met, the first of the three being absent. Till this branch shall appear, I agree with the sentiments contained in a very recent publication, by one, whose authority, as a well-read and consummate lawyer, is so justly and universally acknowledged, and with whom I have the honour to be connected by friendship, that without the King we are only a *convention*. But, in the present case, there is no necessity for resorting to a mere *convention* of the two Houses. The King's person may be constitutionally supplied by a Commissioner; and that representative, in the present extraordinary situation, will, in point of propriety, be the Heir Apparent to the Crown. Till this chasm in Parliament shall be filled, I cannot assent to joining in any vote, or any other business of the House, beyond voting for a previous question, or some other question tending to prevent our farther acting as a House. When this chasm shall be properly filled up, when the Parliament shall be full by a representation of the King, I shall cheerfully and heartily concur in the seemingly general sentiments of making the Heir Apparent sole Regent.

As far, also, as my consideration of the subject hitherto can entitle me to speak, I confess I am not in the least disposed to adopt those restrictions, which have been opened to the House, as probable parts of the intended Regency bill. I dread the effects of a *distrusted, curtailed, and consequently disabled, executive power*. I wish sincerely to join in every proper respect to our most gracious and afflicted Sovereign, and in providing every security for his returning to the personal exercise of his authority, the moment his present calamity shall cease to operate. But, I cannot think, that the proposed restrictions would be approved by himself, were he restored to his former health. From his known love of his country, and from that liberal benignity of mind which soars above the flights of envy, I must presume, that he would not wish to increase the public distress from his present afflicting inability, by rendering the Heir Apparent to his Crown, and his intended Representative, less capable of performing the whole of the Royal functions, than he himself was before the commencement of his illness. The argument for restriction proceeds upon a supposition, which might warrant future permanent restrictions on the executive power. If the Heir Apparent is not fit to be entrusted as a temporary Representative for his father, it claims from us restrictions to check the Prince, when he shall have the executive power as a principal, and in his own person. Had he committed any overt act, indicative of a disposition to abuse the Royal authority, he ought to be equally restrained in both cases. But, to restrain him in either case, without provocation, strikes me as unjust to him, and dangerous to the State over which he is to preside for his father. In truth, the argument for restriction of the Prince as a Regent, seems more to favour of prejudice against a particular party in the State, than to concern the general and public welfare. And though I not only stand unconnected with that party, but have severely suffered by their violent opposition to the choice of me by the county for which I sit in Parliament as one of its representatives; yet this remembrance avails not to influence my opinions upon so momentous a business as that which now calls for our decision.

Such are my general sentiments upon the present important crisis. They were the same when we met last Tuesday, and I then meant to have declared them. But in the early part of the debate, I found no opportunity of addressing the House; and I was forced, by the remnant of an illness, which has long had possession of me, to leave the House, without waiting, either to declare my opinions by speaking, or to act upon them by voting.

Lord

Lord North begged leave to assure the honourable and learned gentleman (the Solicitor General) that he had totally misapprehended the arguments he had on a former occasion urged in support of his opinion, which had, no doubt, led him to imagine, that he was confident of his support on the present question. For his own part, he had uniformly asserted, that no act of legislation could possibly be constitutionally exercised without the concurrence of the three distinct States of the Crown, Lords, and Commons, ~~not~~ three imaginary powers, such as the honourable and learned gentleman had described, founded in fiction, and made up of forms. It was impossible that he ever, for a moment, could entertain an idea so contrary to what had been always his idea of the fundamental principles of the constitution. It was his misfortune that he was but little acquainted with the honourable and learned gentleman, farther than by character, which (he admitted) stood deservedly high in the estimation of the world, and the maxims which he had that day heard him utter, together with the truth and justice of his observations, had impressed his mind with a very high opinion of him; but, he confessed that from such maxims and such truths, he had never before heard conclusions so impotent, and arguments so weak. The honourable and learned gentleman had admitted that they were not then sitting in a legislative capacity, in which opinion he heartily agreed with him—but, how could such premises warrant the conclusion which had been drawn, namely that they had the power to create a third Estate, which third Estate was to give vigour and effect to their proceedings? —But, said the honourable and learned gentleman, the power which necessity creates, necessity must limit.—How ought it to limit that power? Not, surely, by entering into the discussion of distinct questions, but by proceeding immediately to supply the temporary defect in the executive Government, and no farther. The same necessity pointed out the Prince of Wales, as the person pre-eminent above all others, for supplying that defect. It was impossible that they could overlook his claim, and yet they were now debating about the form of that which they could not set aside.—From the words of the Resolution, it was clear that the act which must follow it, was not to receive the Royal assent from the Regent, but by a person, a thing created by the House for the special purpose of giving assent, without any discretionary power whatever.—Such were the three Estates which were to give validity to their proceedings.—But, would any man seriously maintain that those three Estates were really and truly *any more than two*, “*Qui facit unum, facit per se.*”—The substantial truth was, and he desired it to be controverted, that

the whole power to be exercised was the sole and uncontroled act of the ~~House~~ ^{the} House of Commons, without the participation of any other House known to the constitution of this country. Lord North, in his speech, argued, by quoting the well-known ^{and} recent ^{and} report of an eminent author, under the title of "The Law of Testaments," (which he said) he would take the liberty of mentioning among the other great Law authorities what they had said. The dispute was occasioned by the interpretation of a will, wherein the testator had bequeathed to Mr. Stradling all his black and white horses. He had six black horses, six white horses, and six pinto horses. The learned Counsel, Mr. Stradling, very ingeniously contended that his client was fully entitled to all the horses—to the black horses, because they were black; to the white horses, because they were white; and to the pinto horses, because they were *black and white*. In like manner (added Lord North) do the advocates for the present question argue, when they maintain that the three Estates of Parliament will be perfected by adopting the third Resolution. First, they act as a House of Commons; secondly, as a House of Lords; then, like the black and white horses, they act both as Lords and Commons; and from this strange combination the the third Estate is created, which was to give life and vigour to all their operations.

The honourable and learned gentleman (the Solicitor General) had also thought proper to assert that the forms of the constitution, and the precedents of our ancestors, compelled the House to adopt the mode which had been followed in bringing forward the Resolutions. He, for one, denied that the constitution could possibly sanction any constitutional measure that was founded on a *fiction* in law—and with regard to the precedents which the honourable and learned gentleman had mentioned as furnishing examples of other puppets and other puppets, he contended that they were not in point. The Duke of York, surely, was in a very different situation, and the Duke of Gloucester was invested with full powers to open the Parliament in the usual form. With regard to the doctrine which had been maintained, that the same arguments would apply to a commission granted by His Majesty for giving the Royal assent to any bills which had passed both Houses of Parliament—the absurdity was obvious. The King in granting that commission actually gives his assent to such bills, and the Commissioners, of course, have no discretionary power. If therefore, we, as a House of Commons, in conjunction with the other House of Parliament, grant a similar commission, do we not, in fact, ourselves give the Royal Assent *to our own act*?—In other words we argue, that we think it wrong

wrong to give it ourselves directly, but we will appoint Commissioners to act for us. Such was the monstrous and unconstitutional proceeding which we were about to adopt, and of the danger of such a precedent they ought to be aware. The precedents which had been brought before them, on that occasion, ought to put them on their guard, lest they themselves should furnish posterity with a lesson, which might one day prove fatal to the Constitution.—What was the *Man of Straw*, which they were now going to create but a creature, a thing, formed with their own breath, to give a colour to a measure, to which he would be bold to say, the history of this country did not afford a parallel?—As to the precedent of the Revolution, which had been dwelt upon so much, he saw nothing in the declaration of William and Mary, that was not founded on the true principles of the Constitution as by law established—That declaration, which was afterwards incorporated in the Bill of Rights, always supposes, and proceeds upon that supposition, that the three Estates are perfect and entire. If, therefore, he said anything in the former debate which could for a moment impress any gentleman with the idea that he had maintained such a doctrine as that supported by the honourable and learned gentleman (the Solicitor General) he begged to take that opportunity of declaring, that he must have been misunderstood.

To the amendment; he should most readily give his vote, regarding it as the only mode by which, on the present emergency, they could act legally. They were now assembled to supply the defect which the unfortunate disorder, under which His Majesty laboured, had occasioned in the executive power—and the question was, what was the form they were to adopt? At the time of the Revolution, Parliament had addressed King William to assume the reins of Government; and was that measure (he would ask) ever considered as hostile to any one principle of the Constitution?—Why then, do we not follow that precedent, and by addressing the Prince of Wales to take upon him the Regency during the indisposition of his Royal Father, save ourselves and our posterity from the horrid principle of virtually declaring, that an act of legislation may be exercised by the Lords and Commons at a time when the third Estate is incomplet? With regard to what he had heard of limiting the prerogatives of the Regent, whatever his opinion might be on that subject, the present was not the proper time for such an investigation: It had been said, if a question of this nature were to be brought forward, it would be done more constitutionally, and with equal effect, when the Regent could dissolve the Parliament, and defeat the intention. *But the idea was absurd.* Was it possible to imagine at a

time when there was not a single shilling voted for carrying on the measures of Government, nor a single supply granted, a Regent, in that situation, would venture to dissolve his Parliament; or, indeed could any person prove so weak and short sighted as to advise such a measure? The dissolution of Parliament was a part of the Royal prerogative, which had always been exercised with much delicacy and discretion, even by the Sovereign himself. How much more cautious then must a Regent be in touching a privilege of a nature so sacred, especially in circumstances like the present, when we all anxiously look forward to the time when Heaven may hear the prayers of an affectionate and loyal people, and again restore their Sovereign to the throne? It would be one of their first considerations to decree such measures as were most likely to bring about that happy event by effectually protecting the Royal Person from the possibility of danger, and that he might re-assume the sceptre the moment he was capable of wielding it.—He, therefore, certainly thought that the care of the Royal person should not be vested in the Regent, whoever he was; such a sacred trust should be watched with the most jealous eye, and guarded by the most vigilant and faithful arm.—In conclusion, Lord North called the attention of the House to the Prince of Wales, who (he observed) by the moderation, and the forbearance of his conduct on that occasion, had eminently distinguished himself, and in a peculiar degree became intitled to the confidence and to the affection of the House. With what indignation then must they see any attempt to deprive that illustrious person of any of those privileges of which he has proved himself to be so worthy:—Was it meant to parcel out the Royal Prerogative like an auctioneer in lots, in order to dispose of the Regency on the easiest terms? The House could not, in their present circumstances, proceed in any other mode than by address—if they adopted the measure proposed in the Resolution as originally moved, they would shake the fabric of the Constitution to the centre.

Lord Fielding supported the amendment.

Mr. Fox. Mr. Fox said, that he would treat the important subject before the House in as short a manner as possible, but if he should be obliged to detain them for any length of time, they must impute it as much to the extraordinary doctrines which had been thrown out this night, as to the anxiety which he might have to press his own opinions upon their obliging attention. He wished to have had an opportunity of speaking immediately after the honourable and learned gentleman (Sir John Scott) whose doctrines had struck him as highly inconsistent with the conclusions which he had drawn from them; and whose whole train of reasoning on the subject

was, in his mind, enveloped in a nice kind of legal metaphysics, admirably calculated to confound the plain understanding of unlearned men, but which, when stripped of its covering, would appear to be totally inapplicable to the subject. There were two positions of the honourable and learned gentleman which he particularly desired to recall to the memory of the House, and which in all that he should have occasion to dwell upon, he begged gentlemen to bear in mind, and carry with them. The first was a general maxim implying, "That the power which necessity creates necessity limits."—The second was, "That in this and ~~every~~ other exigency, the two Houses of Parliament were bound to search for, discover, and act by what is the law, according to the forms of the Constitution."—These two principal points in the honourable and learned gentleman's speech he wished to carry in his mind, and to reason from; and acting upon the last of these doctrines, he agreed, that it was a fundamental duty to enquire and ascertain the distinction between the powers of the House in what they could do by resolution and address, and who they could do by bill; that is to say, what they could do as a complete and distinct proceeding of their own, independent of the other branches of the Legislature, and what they could do, as making a part of, and in conjunction with the other two Houses of Parliament. That this was their duty he perfectly agreed with the honourable and learned gentleman; and he was equally disposed with him to hold sacred and to regard the forms of the Constitution: but he held them sacred only in so far as they were the outguards and protectors of the main body of the Constitution. The moment that they ceased to be the guardians, and became the betrayers, he could no longer venerate the forms, but must instantly refer to the substance and essence of the Constitution. If a violent infringement should be made on any of the fundamental principles of the system which they all professed to revere, and this attack were made under the specious disguise of the outward forms of the Constitution which it was intended to undermine, could he hesitate for a moment which party he was to take, that of the forms, or that of the substance? There could not be a moment's delay, and he therefore in the present discussion felt it to be his first duty to enquire whether the measures now proposed were not in direct hostility to the principles of the Constitution, while by miserable jugglery and a fraud they pretended to be consistent with the forms.

For his own part, he should conceive, that in the present exigency there were three courses to be pursued, of which, whether that proposed in the amendment by the honourable gentleman (Mr. Dempster) might be the best or not, that

proposed by the right honourable gentleman (Mr. Pitt) was manifestly the worst. This he thought he should be able to make evident, taking the matter up on his own ground—the hollow, miserable, and defective ground of precedent. That of King Henry VI. had been most particularly insisted on. Now, though he could not allow that the minority of a King, with the temporary incapacity from disease, were analogous, he would not hesitate to examine the precedent of Henry VI. and compare it with the present. On the death of Henry V. a commission was issued under the Great Seal, appointing the Duke of Gloucester to the Regency, with full powers to exercise the Royal authority, and to use his discretion fully and freely in trust for the minor King. By this first step, the third Estate was restored before the two Houses took upon them to do any one act in the shape of legislation, and the Regent being thus vested with the full exercise of the prerogative, the Parliament was able to confirm by one act the first measure of the issuing of the commission. If that proceeding had been followed in the present case, should our situation have been the same as it then was, or as it would be if the measure proposed by the right honourable gentleman were adopted? By that measure, it was proposed, that, instead of the lineal successor, invested with full discretion, the two Houses should nominate and invest a creature of their own, not with discretionary power, but with a ministerial authority to affix the Great Seal to whatever they should chuse to pass. The precedent of Henry VI. militated directly against the course now proposed. That precedent clearly went to the nomination of the next lineal successor to the Crown, and to his investment with all the functions of Royalty, whereas, the proposed course was to set up an intermediate person, out of the line of succession, and to take from him all discretion. The absurdity of this proceeding was equal to its indecency. This creature of the two Houses was to be bound to give the Royal assent. Was it ever heard of, or imagined before, that there could be a power of giving assent without a power also of dissenting? The very term demonstrated the absurdity. A person's consenting to a thing evidently implied that he had the power not to consent. There was a person to be set up without power, without discretion, and yet this pageant was to give the form of a parliamentary act to the proceedings of the two Houses. By the precedent in the commencement of the reign of Henry VI. the Regent was invested with the power of the Royal negative, and with the corresponding and essential powers of proroguing, or dissolving, and of convening Parliaments. By this, in the first instance, the three Estates were restored to their

their several functions, and the Parliament being made complete, they were able, by an act of legislation, to justify and legalize the measure by which they were thus established. The precedent of Henry the Sixth, then, pointed out to the House these two important facts: 1. That the power was given, in the first instance, to the next in succession to the Crown, and in this nomination, the full, absolute authority of the Sovereign was entrusted to him. 2. That, though afterwards limitations were put to the Duke's exercise of the prerogative, the limitations were made in full Parliament, when the Duke constituted the third Estate, and when, from each of the bills restraining his authority, he might have withheld his assent.

These two historical facts were contained in this precedent, and though the Duke of Gloucester afterwards complained of the limitations which were made, his complaint was unjust, since they were made with his known consent. He was by no means of opinion, that the precedent of Henry the Sixth would bear him out as a guide which they ought to follow: but, there was one point which it forcibly demonstrated, that in vesting the Royal authority in the next in succession, our ancestors clearly understood that they were acting consistently with the spirit of the Constitution. The particulars of the case were curious. On the death of Henry the Fifth, the Bishop of Durham, then Lord Chancellor, delivered the Great Seal into the hands of the infant King, then nine months old, and the Duke of Gloucester, of his own authority, delivered it into the hands of the Master of the Rolls, by whom it was used. This was rather a strong measure; and yet in the Parliament which succeeded, although acts of indemnity were passed for almost every other measure, yet no act of indemnity was passed for this; so convinced were our ancestors of that day, of the propriety of vesting the Royal authority in the next line of succession.

Upon this occasion he was ready to acknowledge, that he could not put any value on the subsequent acts of the Parliament of that miserable reign. They, who proceeded to lengths so astonishingly absurd as to declare the minor King fit to reign at the age of eight, and again at the age of nine, and who declared him incapable to reign when he came to the age of thirteen, could not be referred to as models, either of wisdom or consistency; but this he asserted, that all their proceedings tended to shew, that though they would not make for his argument, they were directly and strongly against that of the right honourable gentleman.

Previous to his investigation of the other precedents, he must state, that taking them altogether, they served to divide the subject in two parts, and to elucidate two natural points,

points, as principles of the Constitution. 1. That no man ever was to hold the Regency in trust for the Crown, but the next in succession. And, 2. That no man was to hold it but with the powers incidental to the office; that is, with the powers constitutionally belonging to the Crown. These two principles the precedents all contributed to demonstrate and strongly inculcate, except in cases where the adherence to them was impracticable. Was there in the present emergency any reason for departing from this safe and constitutional course? And yet, what was the measure to be pursued? A commission was to be granted to a person, not to the Prince of Wales; not to any branch of the Royal Family; and by this commission, this person was to be created into the third Estate of the realm, without possessing one of the functions of that Estate.

Would the advocates of such measures take upon themselves to ascertain whether the two Houses had any such power, which they could derive either from precedent, from analogy, from the letter, or from the spirit of the Constitution? No point could be more distinct, and more clearly defined, than the powers and proceedings of the two Houses, taken individually, and the powers and proceedings of the three Estates in conjunction; and yet, in all the agitation of this matter, they had been industriously confounded. In speaking therefore of their separate powers, he would distinguish between them thus: When speaking of the two Houses by themselves, he would call them the two Houses of Parliament; when speaking of the three Estates, in their ample form, he would call them the Legislature. It would not be denied, it would not be disputed, that the powers of these bodies were compleatly distinct, and they surely were not to draw precedents from the acts of the Legislature for the government of the two Houses. Yet, all the precedents on which they were now called upon to proceed, were acts of the Legislature; and they were not to be considered, at this moment, as any other than a convention of the two Houses of Parliament. As they were not the Legislature, they were not to look for precedents of the Legislature. They could be instructed only by precedents in the proceedings of the two Houses of Parliament, when deprived of the third Estate.

Most undoubtedly the convention at the Revolution was the only place to which they could truly look for such a precedent. On this subject he wished to be clearly understood. If the distinction which he drew in this case was capricious and unfounded, he would throw himself open to correction; but, it was a distinction which in his mind had great weight, and which should be seriously considered, when the precedent was brought to bear in the present instance.

He declared then, that the case of necessity at the Revolution, was a necessity not proceeding from accident, but from real danger. The vacancy of the Throne did not proceed from the malady of the King, as afflicted by Providence, but from the violent infringements which the King had made on the liberties of the People, by which their allegiance from him had been constitutionally withdrawn ; and in the tumult he had fled from their just vengeance. Thus outraged and injured, threatened with a foreign enemy in support of a tyrant, there was a necessity in which all forms must give way to the substance and essence of the Constitution. They had not in that necessity the choice of conduct. Their first, bounden, constitutional duty, was to protect themselves against the danger which threatened ; and therefore, he assumed it as an argument, that what they did under the immediate pressure of this necessity, did not and could not apply to the present necessity. Why ? Because the cases were in no degree parallel. Our liberties had not been infringed by the Monarch, and they were not threatened by any pretender ; nor did France, or any other foreign state, meditate any attack in support of any forfeited right. In the present instance, there was an interruption occasioned by the temporary derangement of the King, while the empire enjoyed a complete peace, and there was an Heir Apparent of ripe age, and of perfect qualification. The two cases of necessity were not similar, and the proceedings of the Convention, springing from the necessity, did not apply ; but he was ready to acknowledge, that every proceeding of which theirs could be referred to free agency, and in which they were not shackled by the dangers that surrounded them, did apply to the present case. Arguing on these two preliminary positions, if it should be said that the Convention overlooked the line of hereditary succession, passed over the claim of the Prince of Wales, if there was any Prince of Wales, and also the right of Queen Mary, his answer would be, that in doing so, they acted under the pressure of the necessity, well knowing that they could only preserve to the Kingdom its liberties and constitution, by putting the Crown into the hand of a person able to defend and protect them. Their election of King William, therefore, he thought an act of positive necessity, which did not apply to the present case. The mode of their electing him he considered as an act of discretion, and that, therefore, did apply. King William, with all his great and glorious qualities, certainly did not possess such a knowledge of our Constitution, as to have had in his mind any preference as to the manner in which the Crown should be conferred on him. His education, chiefly military, did not lead him much to the discussion of the forms of our parliamen-

tary proceeding ; and whether it came to him by declaration of the two Houses, by address, or by an act passed with the affectation of legal forms, was a matter which he believed would have been indifferent to him, and therefore he took it for granted that the Convention acted from their own volition. How did the two Houses act ? They might have ordered a new Great Seal to be made ; they might have erected a pageant ; and giving to themselves the empty form, without the reality or the essence of a perfect Parliament, they might have committed an insulting fraud, and in the mere mockery of legislation, have passed an impotent act, conveying to King William the Crown. But, knowing and feeling the distinct powers possessed by the two Houses, and possessed by the Legislature, knowing that their organs were distinct, and that their proceedings could not be confounded, nor mistake the one for the other ; knowing that the two Houses could by their organization, act only by resolutions and addresses, and that the Legislature could again act only by bill and statute ; the Convention proceeded by that course which was consistent with their functions, by address. Here was a precedent in the Revolution, applicable to the present case. Address the Prince of Wales to take upon him the exercise of the Royal Authority, and thus by one step making the Legislature complete, the course to be pursued was easy and palpable ; pass an act to quiet the minds of the People, as to the informality of the first measure. He further illustrated the analogy of this part of the precedent of the Revolution, by stating that the Convention divided the grievances of which they complained into two classes, 1, proceeding from the violation of the laws, by the tyranny of King James the Second, proceeding from the inadequacy of the laws to the protection of the subject. The first the two Houses thought themselves warranted to declare, and properly considered a declaration of their rights to be sufficient. The second they properly left to the Legislature, as knowing that they could only be provided for by remedial laws.

Upon the whole therefore he felt himself warranted to assert, that, reviewing these two precedents, he discovered that the precedent of Henry the Sixth, if it did not make exactly for him, made directly and totally against the right honourable gentleman. That of the Revolution clearly and intelligibly pointed out to the two Houses the measure of an address, as the true, constitutional mode of supplying the King's incapacity.

And yet, it was not solely by viewing the Constitution in its spirit, that they were taught to avoid the monstrous error of the two Houses attempting to legislate. The 13th of Charles the Second expressly declared, that the two Houses could not make laws without the King. Oh ! but, said the learned

honourable and learned gentleman, this statute could not apply ; for the King though rendered incapable, had still, in the eye of the law, all his political capacity, and the Throne was to all intents and purposes full. The Throne being full, but the King incapable, what were they to do ? To appoint a person who was to give the Royal Assent to bills to be passed ? Indeed ! How was this person to know the Royal pleasure ? Was he to go to Kew, to apply to the Royal Person, whom Providence had deprived of the power of assent or dissent ? Human reason revolted from the absurdity. Was there a permanent authoritative Council to which he could apply ? None. Could he exercise his own will ? No ; he was deprived of all discretion. To whom then only could he apply ? To the two Houses of Parliament that gave him being ; and thus we had a monster unknown, unheard of in our history. We had two Houses of Parliament, that proceeded first to legislate, and then to act. Had the honourable and learned gentleman been the Solicitor-General, instead of Sir Oliver St. John, he would not have felt himself at any loss to legalize all the proceedings of the long Parliament ; he would have issued a commission, and, by the creation of a pageant, have affixed the Great Seal to each of the ordinances, and having so done, he would have exclaimed, here are perfect statutes according to law ! But, the King's name could not be used against the King's Authority ; and setting up a man of straw, for the purpose of limiting the prerogative, was in fact and truth an infringement and outrage of the Royal Authority.

He did not mean to combat the doctrine, that the two Houses of Parliament were competent, by resolution or address, to supply the present deficiency : but he should beg leave to contend, that if they proceeded farther, if they assumed to themselves powers which belonged to the Legislature, and proceeded to legislate, the Judges would laugh at their acts ; there was not a Court in which they would be recognized, nor a corner of the Kingdom in which they would have the efficiency of law. Declare the right, or the propriety of the Prince's taking on him the exercise of the Royal Authority ; or address him in direct terms to assume it ; and Parliament will be enabled instantly to put on its legislative authority. Then there will be a third Estate, and the executive power will fall into the hands of that person who is most concerned in the preservation of the Monarchy ; and who, by every claim of lineage, of hereditary title, of interest, of constitutional pre eminence, is pointed out on the emergency to be the Regent during the incapacity of his Royal father. If instead of this, they proceeded to metamorphose themselves into the form of the Legislature, what was there but their own temperance as a security for

the most unconstitutional outrages? While they contained themselves within the limits of their true authority, they were safe—The moment they went farther, jeopardy attended every step, and there was no foreseeing what violence and error might ensue.

All this, said the honourable and learned gentleman, was fine; but, during the life of the King, there was no person that could have a right.—Then, why did they presume to confer this right on the Lord Chancellor?—“ Oh, they had ‘ a right,” continued the honourable and learned gentleman, “ to make the Chancellor do what they pleased, and to act ‘ according to their will—but, they had no power to permit the Prince of Wales to act according to his will.” By this doctrine, they had the power to appoint themselves Regents, but no power to appoint the Heir Apparent. Monstrous and indecent incongruity!

Upon this occasion, he should freely admit, that by addressing the Prince of Wales to take upon him the exercise of Royal Authority, they did an informal act—but it was an act which the necessity was sufficient to justify.—To make the Chancellor put the great seal was also informal. Let the two acts be examined. Do the first, and the Prince instantly holds the Parliament—the Legislature is complete, and the informal act is made a law.—If the Chancellor puts the great seal to whatever bill the two Houses shall pass, not a step is gained; for this, in its very nature, is unconstitutional and inefficient;—you propose one means, we propose another. Our proposition instantly re-produces Legislature, your’s a monster unknown to the Constitution. We do all that the necessity requires—you do infinitely more; and here we come to the maxim, that the power which necessity creates necessity also limits. We do but one informal act—you two or more. You proceed to chuse an inconvenient Regent for the purpose of getting at the convenient Regent, whom we reach at once. We proceed to limit his power, if it must be limited, legally, when the Legislature is complete. You proceed to do this, when there exists in the country no power that is competent to the measure. You do that by a fraud and a fiction, which we do constitutionally and legally. We do that with the perfect organs of the Legislature, which you cannot do without breaking through the real functions of the two Houses of Parliament.

And now, added Mr. Fox, I proceed to make some observations on the words of the resolution, and then shortly to conclude. I, in the course of this long discussion, threw out my opinion, that a right attached to the person of the Heir Apparent, to exercise the functions of Royalty, during the incapacity of the King, and that the two Houses should recognize this right, and put him in possession of it. The

two Houses, on this, came to a resolution, that they alone possessed the right of nominating to the Regency, but, at the same time, they thought the Prince the most proper person to be appointed. Well then, bowing to their decision, go on, remarked Mr. Fox, and appoint the Prince. What is the answer, as contained in the spirit of the next Resolution? They have no right. They cannot appoint him. They must first do what never was done in the history of the country; they must first declare themselves to be the Legislature. Thus they make a declaration of right purely abstract; and having made it, they shrink from the exercise of the right they have arrogated. They kick down the ladder by which they mounted to the Throne.

In conclusion, Mr. Fox warned the House against the adoption of glaring and specious pretexts, by which, under the colour of original principles, they were to assume powers inconsistent both with their organization and well being, in order to do acts not called for by necessity, and which were calculated to undermine the pillars of the Constitution.—There was no way so certain of bringing the popular branch of the Legislature into popular odium, as to make it deviate from the precise path marked out for it in the Constitution, and stray within the limits of the other two, whom it was his duty to watch, but never to invade.

Mr. Chancellor Pitt lamented, that any circumstance, Mr. Ch. more especially that of ill health, should have prevented the ^{dear} ^{old} ^{Mr.} Pitt honourable gentleman from delivering his sentiments as fully and forcibly as he himself could have wished. It was but justice to own, that through the whole of his reasoning, he had avoided every appearance of asperity or unnecessary warmth, and pursued it with that candour, perspicuity, and strength, which was likely to give the greatest possible weight to his argument. He was, nevertheless, not afraid of following him, and shewing, that the grounds on which he had proposed, and still supported the Resolution, were such as would bear it out, whether reference were had to precedents and practice, or to the principles of the Constitution. He could not help remarking the singular and contradictory manner in which the precedents had been treated. In the first instance, they had been pronounced to be wholly irrelevant and inapplicable; and now, they had been admitted as authorities, not merely in point against the mode of proceeding which he had submitted to the House as the most constitutional and the most eligible, but as clearly proving and establishing the direct contrary. To expose the inconsistency of such a mode of argument, it was only necessary to state for what purposes they had been produced, by which it would appear how far, whether individually or collectively taken, they answered those purposes. They had

been produced, in the first place, to shew, that, in all cases of interruption, or suspension of the executive government, the right of providing a remedy was in the two remaining branches of the Legislature; and, in the second place, that, in infancy or infirmity of the Sovereign, the will of the King, had, always, in form of law, been made the instrument of sanctioning the acts of the executive power, by whomsoever advised or directed. In this manner, by a Commission under the Great Seal, had Parliaments in such cases been called together in former times, as appeared by the precedents, and their acts were sanctioned by the Royal Authority, although the King was incapable of exercising any judgement, discretion, or will of his own. The present Parliament was more regular in point of form, in as much as it wanted no such power to call it together, being legally summoned and assembled without it. The right honourable gentleman had argued, that this power of putting the Great Seal to a Commission for calling a Parliament, when there was none, was so much considered as the right of the first Prince of the Blood, in cases of the minority of the King, that it had not even been thought necessary to grant an indemnity for having done it, and consequently it must have been considered as a legal act. The first part of the reign of Henry the Sixth shewed that he was mistaken; for, a Commission for calling a Parliament at that time had been afterwards ratified by Parliament; and, there were other instances of such subsequent ratification, where the Seal had been put to Commissions by the first Prince of the Blood. Since, therefore, from the general tenour of the precedents, the right of providing for any temporary deficiency in the exercise of the executive Government, appeared to have been vested in the Lords and Commons, as the representatives of the nation, what reason could be assigned for any thing to be done before Parliament proceeded to judgement on the case before them? The laws of the Constitution (it was said by the right honourable gentleman) had not been heard of till after the first battle in the civil wars of the Duke of York; and yet, after that battle Parliament thought fit to act in the name of Henry the Sixth, a circumstance which surely made against his own argument. He admitted that the circumstances of that period of the resolution had been fairly stated, but he differed from the right honourable gentleman in the application which he had made of them, and contended, that the principle resulting from the proceedings of Parliament then was such as ought to govern the proceedings at present. He agreed, that what had been done from motives of policy to protect the nation from invasion by a formidable rival, and to prevent the return of the abdicated Monarch, ought to be laid aside from their consideration at present; but, the two remain-

remaining branches of the Legislature, on that occasion, had restricted themselves to a simple Address to the Prince of Orange to accept the Crown; they felt not only that they must have a King, but that they must have a King on certain terms and conditions. They did what amounted to a Legislative act: they came to a resolution to settle the Crown, not on the Prince of Orange and the Heirs of his body, nor on the Princess Mary and the heirs of her body; but on the Prince and Princess jointly, the authority to be exercised by him. Here it was evident that whatever the necessity of the case required at that time, the Lords and Commons possessed the power to provide then, and that whatever the necessity of the case demanded at present, the power belonged to the Lords and Commons to supply. But, although the application of the principle was denied, the form the proceedings was recommended as a pattern. The circumstances of the case were widely different. The Throne is vacant then; but it was full now, and, therefore, the Address was not a precedent in point of form.

A right honourable gentleman who had spoken early in the debate, seemed unwilling to allow that the period of the Revolution or the proceedings of that time had any thing to do with the present question; but, the right honourable gentleman to whom he was replying thought the Address of both Houses on that occasion proper, and a fit precedent to be followed, because by the 13th of Charles the Second they could not act without the King. That statute said no more, and could never be understood to mean any more than that were there as a King, the Lords and Commons could do no legislative act of themselves; but it could not possibly supersede necessity, and they did act without a King, because there was no King to act with them. But (says the right honourable gentleman) they only did so after the throne was vacant. The King by attempting to govern contrary to law, by breach of the compact between the governor and the governed, had forfeited the throne, and, therefore, the two remaining branches of the Legislature were called on to act from the necessity of the case; but, was the throne now vacant, or would any man venture to assert that it could be vacant by any other means than by forfeiture? And, yet, the right honourable gentleman observed that there might be cases in which the personal exercise of the Royal functions may be interrupted or suspended, and then the Lords and Commons have no power to act till it be restored, because the 3rd of Charles the Second says that they cannot. The same principle which justified the proceedings at the Revolution must justify the proceeding at the present period; and therefore the 13th of Charles the Second might as well have been *alleged against the Revolution, as opposed to the proceedings under their deliberation.*

The right honourable gentleman had also been pleased to assert, that whatever difference might arise between us as to the mode of proceeding the most proper to be adopted, the first step must necessarily be informal; and that mode must, of course, prove the best which can soonest do away the informality, and, at the same time, conform to the necessity of the case.—This, Mr. Pitt remarked, brought him to the true grounds on which the question was to be argued, and on which they might fairly come to a decision. By the right honourable gentleman it was said, that the Prince of Wales might represent the King by a Commission under the Great Seal. This was, indeed, a most singular argument when referred to the principles on which it was founded. The two Houses of Parliament were to put themselves as soon as possible in a capacity to legislate, because they could not proceed to any length without the Royal authority, and the best and most effectual mode of doing this, rested on a principle, that any act in the King's name, without his knowledge, was a coarse fiction; a mere legal forgetfulness, not to be endured. If it were really so, what was the Regent to do? Was he to act in his own name or in the King's? In his own name he could not act without first dethroning the King, and in the King's name he could not act without recourse to this reprobated fiction. If gentlemen who argued thus knew their own principles, they proved the impossibility of appointing any Regent. What then was the reason of that principle, which was sanctioned by the practice of the Constitution, and the sages of the law, which had been treated with so much disrepect, and twisted and distorted into so many shapes of absurdity? His honourable and learned friend had truly told them it was that fiction which governed the proceedings of the Courts of Justice, which protected their dearest rights and properties, and which resulted from the nature of hereditary monarchy—that principle which supposes the same power to pass instantly, in succession from one person to another, and that the political capacity of the King is always entire—that principle which preserves sacred and inviolable the person on the Throne, and has protected it amidst the imbecility of infancy, and the decrepitude of age. Certain forms of law were evidence of the will of the King, and wherever they appeared, could not be averred against. Of this nature was affixing the Great Seal; and if the Chancellor were now to put the Great Seal to any act, it could not be contradicted—its legality could not be disputed; it must be received by the Courts of Justice and proceeded on as law. But, the personal imbecility of the King being known, and that he is incapable of giving any command, the Chancellor would incur such personal danger by an action of that sort, as would undoubtedly deter any man in his senses from committing it.

the authority in the nation was the great Council of on ; and if they thought proper to signify the will of g, there was no legal fiction.

comparison of the two recommended methods of pr- was sufficient to enable them to decide which was le, and that they had already voted it to be their right ir duty to provide for the temporary exercise of the ve power in such manner as the exigency of the case require. Having recognized their own authority, they give authority to another person to curb them in of it ? Having declared what their right and their duty would they renounce any part of that right and that duty ? d been observed by the right honourable gentleman, : person of the King could not be represented in Par- unless he possessed full parliamentary powers, the of assembling, of proroguing, and of dissolving it. ble Lord had gone farther, and remarked that he could represented in Parliament without all the civil and mi-owers annexed to the prerogative, and to reconcile the to the granting of those powers, he added, that the would not use the power of dissolving the Parliament. Chancellor of the Exchequer was going on to argue on nt, when being set right by Mr. Fox, as not having ord North's words correctly, he said he would not waste such minute differences. When powers were once t was impossible to say how they might be exercised. gent might fill the other House with new Peers while re deliberating whether that power should or should imited. The powers to be given him ought to be l, while the House had the power of deliberating act. With many it was a doubt, whether very ex- powers ought to be given, during a short Regency, all hoped, and wished it might prove ; and, if they onestly as their duty to the Sovereign, and regard to lic dictated, they would decide that first. If they herwise, and should afterwards on deliberation be of that all the powers of the prerogative were not ne- a such circumstances, where was the remedy, when l given them all ? To give any part of them, arose eftiy, and they went beyond necessity, if they gave an was sufficient. But it was said they might be li- ter they were given, and it was asked if there was bt that a Prince of the House of Brunswick would e Royal Assent to any limitations which might be y Parliament ? It had been argued, also, as if the ns had been perpetual, and they had been warned invading the prerogative, in its defenceless state. ie necessity of exercising the prerogative by a Regent . se, the limitations would cease likewise. But from expressions

expressions used in the course of the debate, it seemed to be the opinion of some persons, that the Sovereign should never resume the exercise of the prerogative. If the full powers were given to a Regent, that circumstance might have a permanent influence during the life of the King, to weaken the prerogative. After all that had been said of consenting to limitations, had it ever been admitted that any restriction would not be negative by the Regent that would not be agreed to by the King? It would be highly improper in him to say who were likely to be the advisers of his Royal Highness as Regent; he wished he could so far distrust what had been formerly said by the right honourable gentleman over against him, as to doubt who were not to be his advisers. That right honourable gentleman maintained that the Crown ought to have a constitutional jealousy of the two Houses of Parliament, and he would not pay so iller so dishonest a compliment to his Royal Highness, as to agree to give him power as Regent, which his advisers, whom they should be, might induce him to misuse. Should the House give the whole power, it might be affirmed that they went beyond the necessity of the case; sacrificed their right and their duty to the prospect of resuming what they might not afterwards be able to resume; and violated that sacred maxim of law which was not lightly taken up, nor supported by vague authorities, but founded on the practice of ages and the soundest principles of the Constitution.

Mr. Fox. Mr. Fox answered that he had never asserted, that the name of the King could not be used without the will. For a person possessing the exercise of discretion, and consequently the power of assenting or dissenting, to use it was a laudable fiction; but for a person set up by Parliament to do a particular act or acts, without the liberty of exercising discretion, or dissenting if he thought proper, to use it was an extravagant fiction. In the one case, there were three branches of the Legislature, in the other there were only two.

On no occasion had he denied the force of necessity, but in cases of necessity they ought to do as little as possible, and however paradoxical it might seem, he insisted, that by giving part of the prerogative, they did more than by giving it entire. He maintained still, that no Parliament could legislate, unless the King on the Throne has the power to dissolve them, and challenged any lawyer to prove, that a Parliament, not liable to dissolution, can legislate.

Mr. Burke complained, that the Chancellor of the Exchequer had alluded to some expressions of his, as implying that he could never recover his full power, which, in their origin, implied no more than the uncertainty of the state of His Majesty's disorder might be.

Mr. Sheridan

Mr *Sheridan* declared, that he thought he understood, Mr. *Sheridan* and could remove the doubts that had been stated by some gentlemen respecting the effect of the address proposed by the amendment. It was conceived by some, that by voting for the amendment, they decided on the question of a limited or unlimited Regency; but the case was not so, for if they voted in favour of the original resolution, they virtually admitted, that limitations were necessary. Which ever way they proceeded, however, the opportunity and the security of making limitations were precisely the same. Mr. Chancellor Pitt had said, that the long disuse of the Royal negative was no security that it would not be revived. The right honourable gentleman knew from his own experience, that the powers of the prerogative might be abused, and therefore it became him to be on his guard. If you doubt the fact, he might say, look at my conduct. Recollect under what circumstances I dissolved a Parliament, how lavish I have been of the honours of the peerage, and say, that the powers of the prerogative may not be abused if you can. The right honourable gentleman observes, that the Prince may dissolve the Parliament, without consenting to limitations. The first act of his Regency ought to be, to consent to limitations, and was there a man who believed he would not? But in imposing restrictions, some delicacy was requisite, for every restriction that was not necessary, was not a limitation, but an insult. Was the right honourable gentleman in such haste to impose restrictions, because he feared that he could not carry the limitations which he meant to propose, unless he were Minister? Or was he apprehensive that Parliament or the Prince would forget to do their duty? From some such fear, or unworthy suspicion, his haste must proceed. What provision was made if the Prince should refuse to be Regent, on the right honourable gentleman's terms? Supposing him not to refuse, would he withhold his consent from restrictions when Regent, under which he would consent to accept the trust? Would any one advise him to say, I accept the Regency under the limitations you propose, which I think are improper, and which I hope Parliament will annul?

The question being called for, the House divided, when there appeared,

For the amendment, 178; against it, 251; majority, 73.

The original resolution was then put and agreed to, and the House adjourned.

Tuesday, December 23d, 1788.

The Marquis of Worcester reported, that the Lords had agreed to a conference.

A Committee was then appointed, which consisted of the following Members :

| | |
|-----------------------------|----------------------------|
| Marquis of Worcester | Lord Apsley |
| Chancellor of the Exchequer | Secretary at War |
| Marquis of Graham | Sir Joseph Mawbey |
| E. J. Elliot, Esquire | Lord Frederic Campbell |
| Alderman Watson | Lord Belgrave |
| Earl of Mornington | J. Rolle, Esquire |
| Earl of Courtoun | Master of the Rolls |
| | Lord Advocate of Scotland. |

As soon as the Committee returned, the Marquis of Worcester reported, that the Managers had met, and that the conference on behalf of the Lords had been conducted by the Lord President, Lord Privy Seal, Duke of Richmond, Marquis of Carmarthen, Lord Sydney, Lord Hawkesbury, &c.

The Call of the House was, upon motion, farther adjourned until the 31st.

The House adjourned, to

Monday, 29th of December.

When the number of Members necessary for constituting a House not attending, no business occurred : and, on

Tuesday, 30th of December,

The illness of the Speaker preventing his attendance, no debate arose, neither did any meeting of the House take place earlier than

Friday, 2d of January, 1789.

When nearly two hundred Members having attended, they were called to take their seats ; and Mr. Hatsell, the Clerk at the table, stood up and said, he was very sorry to inform them of the melancholy loss they had sustained that morning, by the death of Mr. Speaker. After this short address, he ordered the mace to be brought into the House. It was accordingly brought in by the Deputy Serjeant, and laid under the table.

Mr. Rose remarked, that under the very unhappy embarrassment in which they were placed by this lamentable event, he did not know what expedient to propose more preferable than an adjournment until Monday.

In this motion, there was a general cry of "adjourn, adjourn."

Mr. Viner observed, that he did not mean to dispute the motion ; but as a doubt was entertained, whether the Clerk at the table could adjourn the House more than from day to day,

day; and as he understood that there were two or three precedents on the Journals, he wished, for the satisfaction of gentlemen, that one or two of them might be read.

The Clerk then read from the Journals, an instance in the year 1783, where he was directed by Mr. Speaker to acquaint the Members, that having heard of the death of a near relation, he requested, if it could be done consistently with the energy of public business, that they would adjourn for a few days. This happened on the Monday, and they adjourned to the Wednesday morning after.

This precedent of the authority satisfying the House, Mr. Rose said, that on the ensuing Monday, it might perhaps be found necessary and right for them to proceed to the election of a Speaker.

The House adjourned, to

Monday, the 5th of January.

Mr. Hatfield having called for the mace, which was brought in by the Serjeant, and placed under the table,

Lord Euston rose, and premising that the unfortunate event of the death of their late worthy Speaker was too well known to require his dwelling upon the circumstance, added that he must beg leave to remind the House, that the occasion called for the election of a fit and proper person to fill the vacant chair. The honourable gentleman, whom he should take the liberty of proposing, was a man of such splendid abilities, experienced assiduity, and perfect knowledge of parliamentary privilege, resulting from the closest attention to business, ever since he had enjoyed a seat within the House, as pointed him out to be the proper successor of the late Speaker. Mr. Grenville was the honourable gentleman whom he meant to recommend, and when the House considered his excellent understanding, and unremitting industry, he trusted that their minds would go with his in thinking, that these qualifications rendered Mr. Grenville an object worthy of their choice. Much, he said, might be urged on the score of the honourable gentleman's private character; that stamp of merit, added to his parliamentary knowledge, and strength of mind, and of constitution, rendered him in every point of view so unexceptionable, that it was unnecessary for him to take up more of the time of the House. He would therefore conclude with moving "That the honourable William Wyndham Grenville do take the chair."

Mr. Pulteney seconding the Motion, observed, that the Mr. House had witnessed with pleasure the honourable Gentleman's great attention, extreme accuracy, and clearness of reasoning. The honourable gentleman had ever conducted himself with that moderation and candour, which pointed

him out as a fit successor to the late Speaker. The honourable gentleman (Mr. Grenville) possessed an hereditary claim to the favour of the House, as the guardian of its privileges, which he had fortified and established by his judicious alteration of his father's bill, a bill that, in his opinion, had gone farther towards securing the first and the most invaluable privileges of that House, than any measure that had ever taken place in Parliament. Mr. Pulteney mentioned the customary usage of a previous application from the Crown, when the chair became vacant, but as under the melancholy circumstances of the times, no such form could take place, and, as it was absolutely necessary that the chair should be filled in order to enable the House to proceed with the very delicate and peculiar business before them, which demanded dispatch, the choice of a Speaker immediately was so indispensably requisite, that he supposed no doubt could remain on that question.

Mr. Welbore Ellis. Mr. *Welbore Ellis* expressed his concern to find, that the loss of a regular opening of the session, and of the executive government, had been aggravated by the unfortunate loss of their Speaker. It was a maxim laid down by some authors of eminence, "that any government was better than no government at all;" but though he had formerly embraced that opinion, he must now oppose it, because the maxim had grown into such a degree of prevalence, that, instead of taking the short and ready path of restoring the third Estate, and giving the Constitution its due energy and vigour, much time had been lost in parliamentary fancy. It was true, that under the present circumstances, the usual forms of an election of a Speaker could not be observed; and, therefore, the House was justified in proceeding to an immediate choice. For his own part, he should not hesitate to pay every tribute of applause to the honourable gentleman proposed by the noble Lord, and seconded by the honourable gentleman behind him; and he should, in the fullest manner admit, that the honourable gentleman proposed, was a fair object of their choice, were it not that he had intended to recommend an honourable Baronet near him, to whose abilities and eloquence the whole House could bear testimony. He meant no disrespect, therefore, to the honourable gentleman who had been proposed by the noble Lord, when he presumed to mention Sir Gilbert Elliot as a fit person to fill the vacant chair. He had enjoyed the pleasure of a very early acquaintance with the honourable Baronet, and knew him from his boyish days, and therefore his partiality and predilection were pardonable. But, it rested not on his private opinion, they had all been witnesses of the honourable Baronet's zealous

the Constitution, they had all been witnesses of his powerful eloquence, and superior ability; yet, as the honourable Baronet possessed the usual companion of great merit, great modesty, in compassion to his feelings he would forbear to say more, and conclude with moving, by way of amendment, that Sir Gilbert Elliot's name be inserted in the question.

Mr. F. Montagu having declared, that he entertained Mr. F. Montagu every respect for the honourable gentleman named on the other side of the House, in common with the noble Lord who had proposed him, and the honourable gentleman who had seconded him; he added, that he must be allowed to second the motion made by the right honourable gentleman near him. Mr. Hatsell and he knew how necessary a knowledge of legal forms were, and they all must admit, that the honourable Baronet just named, possessed that thorough acquaintance with the laws of his country, which, had he continued in the Courts below, could not have failed to have rendered him one of the chief ornaments of his profession. Fortunately for that House, the honourable Baronet had brought that acuteness of mind, which he so eminently possessed, among them, where it could not fail to be exercised to the advantage of the public, and to his own credit. Mr. Montagu observed, that he could expatiate much more at large on the qualifications of the honourable Baronet; but the last thing said by the right honourable gentleman who spoke last, checked the pleasure which he should otherwise have enjoyed, in continuing the payment of his tribute of applause. The House undoubtedly would be extremely pleased, if he were to prolong so pleasing and so interesting a subject; but when he considered, that what must contribute to their satisfaction, would give pain to the honourable Baronet, he would restrain his inclination, and only second the motion of his honourable friend.

Mr. Grenville declared, that whatever might be the decision of the House that day, he should always consider it as an honour, to have been thought fit to fill the chair of that House, by persons of such high character, as the noble Lord, and the honourable gentleman, who had stood forward in his support. He felt the great importance of the situation, to which he had been proposed, and was so conscious of the increase of that importance, in consequence of the very delicate and momentous business in which the House was engaged, during the present calamitous situation of affairs, that he trembled for himself, for his inexperience, and his inability to discharge the duties of the office. These considerations, he trusted, would induce the House to turn their eyes to the honourable Baronet over the way, or to some gentleman more

more worthy to fill the chair, and more capable of sustaining the burthen of official duty than himself.

in Gilbert Elliot. Sir *Gilbert Elliot* observed, that he could not avoid expressing his sincerest gratitude and respect for the persons who had done him the honour to name him, and for whom he was proud to confess his veneration and regard, even if they had not shewn that fresh instance of their partiality and kindness. The honourable gentleman over the way could not feel more deeply than he did, the importance of the office, to which his friends had proposed that he should be elevated. He well knew that it was the duty of the person who should fill the chair, not merely to preserve decency and decorum; not merely to look to the order of their proceedings in that House, but to assert the privileges of the House, both there and elsewhere; because those privileges were essential to the existence of Parliament, and were intimately connected with the liberties, and consequently with the happiness of those whom they represented. He felt his own inadequacy too sensibly, when he considered the high and important duties of the office; when he considered the arduousness of those duties, also, as well as the importance of the trust reposed in the person who filled the chair, it was enough to make him tremble, especially when he turned his eyes inward upon himself, and saw the monstrous disproportion between his own abilities and the situation and its difficulties. Surrounded as he was by men of great legal knowledge and experience, he could not think of taking that chair, to which he so well knew his own inadequacy to do justice; and therefore, if none of those men to whom he had alluded were named, he could assure the right honourable gentleman who had been proposed, that he should have his most sincere and hearty suffrage.

The House divided.

Ayes, 215; Noes, 144. Majority, 71.

Mr. Chancellor Pitt gave notice, that he would upon the morrow open to the House the restrictions which he should propose as necessary to be annexed to the Regency.

A conference having been desired by the Lords, and held, Mr. Pitt acquainted the House that the Managers for the Commons had met the Managers for the Lords; who acquainted them they had agreed to the resolutions sent up by this House.

The House adjourned.

Tuesday, 6th of January.

The order of the day having been moved,

Mr. Lovelace rose, and requested the attention of the House.

The Speaker begged first to state the question, which had been moved, and having done this,

Mr. Loveden rose, and subsequently to his declaration of his own independency as a Member of that House, begged leave to remind them that he had ever declared his sentiments, such as they were, with truth and sincerity, without a wish to court the countenance of party, or to solicit the favour of power; that what he said in that House, he would abide by, considering himself as a free agent, and determined to continue so, his maxim being,

" Nullius adductus jurare in verba magistri."

He would confidently affirm, that he was neither biased by affection for one set of men, nor misled by prejudices against another; and that he acted upon what he considered to be a better principle, and a more becoming motive, than either self-interest or ambition, an honest zeal for the good of his country, and the promotion of the public welfare. Before the House proceeded to settle the terms and considerations of the Regency, he conceived that they ought to know exactly where they were, and what the exigency of the case really was, the providing for which had become the object of their deliberations. No limitations of any kind could be suitably adopted, without having a reference to the cause which created the necessity for their introduction; and therefore before they went a step farther, in his humble judgment, they ought to know precisely what was the present state of His Majesty's health, what the degree of alteration which it had undergone, since His Majesty's Physicians were last examined, and whether the probability of his recovery was encroased, or less than it had been, in the opinion of His Majesty's Physicians at that period. Reports had gone abroad, of a very contradictory kind, and the authority of the different Physicians who attended His Majesty, had been made use of to give sanction to those reports. He had that day seen a letter from one of the Physicians in question, in which the writer fully contradicted the report, in the circulation of which his name had been made use of. Rumours were also circulated, that the opinions of His Majesty's Physicians were not faithfully communicated to the public; that the House could not act upon rumour, he thought it highly necessary, that the foundation of the reports respecting His Majesty's indisposition should be ascertained, and that the House, who were entitled to know the truth, should have the whole truth completely before them. With that view it was that he had risen, and although he did not wish to press any unnecessary motion on the House, yet, as the limitation would necessarily be governed by the greater or less proportion of the probability of His Majesty's speedy recovery, that important fact ought to be ascertained, because if the

Mr.
Loveden.

Majesty's present incapacity was but a mere temporary suspension of the exercise of the Royal Authority, limitations to a particular extent only, might be proper; but it would have a very different effect on men's minds, if this suspension was to last for any considerable length of time. Mr. Loveden concluded with moving "That a considerable space of time having elapsed since the examination of the Physicians, " with respect to His Majesty's health, it is necessary to know "whether any alteration or amendment has taken place, and " that therefore the physicians be called upon to inform this " House if the present symptoms are such as give reason to " hope for the King's speedy recovery."

There being a general cry, on the opposition side, of "Move! Move!"

Mr. Loveden was about to have his motion to the Chair, when

The Speaker informed him, that there was a question already before the House, and this was, "that the order of the day be read," which must be disposed of, before any other question could fall under the discussion of the House.

Mr. Hussey called upon the Speaker from the side gallery to know, who had moved the question of the order of the day.

The Speaker said it was moved by a right honourable gentleman on the Bench, to the right of the Chair.

Mr. Chancellor Pitt (who had moved it) now observed, that he rose not merely to ascertain who had moved the order of the day, because such a circumstance was perfectly immaterial, since that it had been regularly put from the Chair, was what no man could deny, and therefore the proper way of making room for the motion of the right honourable gentleman on the other side the House, would be to negative the motion then before them. The substantial question for them to decide was, whether although they were assembled agreeably to full notice, for the purpose of going into a Committee, in order to hear the limitations and restrictions which he should have the honour to submit to the impartial decision of the House, they ought to interpose an additional delay, in order to stop short in their proceedings, and wait for further information. As much as he should lament every prudential regulation which prevented them from putting Government into a predicament wherein it could act with energy and effect. A cry of "Hear! hear!" at this time prevailing, Mr. Pitt remarked, that he wished gentlemen to hear, and thereupon repeated, that anxious as he was to have the Government put into such a situation as should enable it to act with energy and effect, he should nevertheless think it better to proceed prudently and properly, though a little more time were lost, than rashly and upon insufficient grounds to risk an entire

a matter of so much magnitude and importance. Before the House, however, attempted to interpose any farther delay, it was worth while to consider what information they had to proceed upon already, and whether any farther information were necessary. The first leading fact contained in the report of His Majesty's Physicians was what that House had already resolved; that His Majesty was incapable of meeting his Parliament, and attending to public business. The second question was, that His Majesty was likely to recover. Had any particular circumstances arisen to render the prospect of His Majesty's recovery less probable, or was there any reason to enable gentlemen to state any given period, within which it would not take place? Could any gentleman suggest, that there were grounds for either of these two different opinions? because, if neither of these two points could be stated, he must for one think that the House had already before them sufficient information to enable them to proceed, and that they ought to proceed without farther delay. All His Majesty's Physicians agreed in the first important fact which the House had voted; and this was, "That His Majesty had become incapable of attending to public business," and they all said that there was a probability of his recovery, though they could not fix any period of its taking place. But the House knew that there were those among the Physicians who were most conversant with the disorder with which His Majesty was afflicted, and who had stated what was the longest time at which persons afflicted with the disorder in question had been cured; and also, as far as any point approaching to an average could be drawn in such cases, what was the average length of time before a cure could be effected, and thence had they suggested, that in their opinion His Majesty's recovery was most probably not at any very distant period; therefore, he conceived that the House had sufficient ground to go upon, without farther delay, and personally feeling extremely desirous that Government should as soon as possible be restored to its necessary energy and effect, on account of the situation in which he had the misfortune to be placed; but feeling it still more on account of the public, he owned that he was anxious to interpose no farther delay, but immediately to go into the Committee, agreeably to the order of the day, that he might state what he had to submit to the impartial decision of the House. If therefore no gentleman could suggest that any new grounds had arisen since the last examination of His Majesty's Physicians to induce the House to change their opinion on the two important facts resulting from that examination, he should think it his duty to oppose the motion of the honourable gentleman, and contend for the order of the day's being then read.

Mr. Fox observed, that although the Order of the day met with his concurrence, he still rejoiced that the honourable gentleman (Mr. Weden) had made his motion, because he thought the discussion which it had occasioned, was extremely proper, and because it was undoubtedly necessary that they should have some precise knowledge of the state of His Majesty's health, previous to their deliberations as to what might, or might not be fit restrictions to impose on the Regent. The right honourable gentleman (Mr. Pitt) seemed to go upon the Report of the Physicians, when they were examined by a Committee of that House, and had said, that they all agreed that there was a probability of His Majesty's recovery, and that at no distant period. It was not necessary to enter into any argument as to the precision of what the right honourable gentleman had stated, but certainly he had not precisely stated the facts as resulting from the Report of the Examination of His Majesty's Physicians. That they generally agreed that it was probable His Majesty might recover, was undoubtedly true; but, they did not agree as to the period when that recovery might be expected. Dr. Warren (in his mind) not only made no such declaration; but, averred that he was perfectly ignorant concerning it, and had expressly said, that he could not give any satisfactory answer whatsoever upon the subject. If, therefore, they were to go upon the Order of the Day, they were bound to shut their ears to all the reports out of doors, and as the right honourable gentleman had desired them to confine themselves to the facts resulting from the Report on the Table, they ought to do so strictly, only keeping in their minds (what of course would not fail to have its due impression on every gentleman) the circumstance that the information upon which they were desired to proceed was, information communicated four weeks ago; and that therefore, they were to consider that four weeks had elapsed without any alteration whatever in His Majesty's health. Mr. Fox added, that many contrary reports in favour of His Majesty's recovery were in circulation. He thought the matter proper to be laid before the House; nor that he was much in the habit of paying attention to common reports; in general, no man treated them with more contempt; but he had heard that, in another place, a person of no inconsiderable authority, his Majesty's First Minister, first in rank, and by no means last in consequence, (the Lord Chancellor) had declared that he had grounds to hope soon to hear of His Majesty's recovery. This declaration he could not but consider as highly improper to be made, because, as on the one hand, if any man should unfortunately have reason to entertain the melancholy opinion,

that

that there was no probability of His Majesty's recovery at all, he should deem it highly improbable for such a one to declare his sentiments; so, on the other hand, if any man thought that he had good reason to imagine that his Majesty's recovery was at hand, it appeared to him equally improper for him to declare it, because that no man ought to declare his sentiments either on one side of the question or the other, unless the grounds upon which those sentiments rested, could be rendered the objects of examination and enquiry, and call forth facts substantiated by evidence. Mr. ~~Edwards~~ upon this occasion, adverted to the possible case of certain persons spreading rumours and reports, merely with a view to delude the people by false hopes, and induce gentlemen to give their votes under an ill-founded presumption of His Majesty's recovery, of which there might not in truth exist the smallest probability. Perhaps, it would be wise to shut their ears against all rumours and reports whatever, and to act merely from the Report of their Committee. In that Report they would see, that His Majesty's Physicians had all of them been asked, whether signs of convalescence appeared, which was beyond all question a material part of the examination. If no signs of convalescence had since appeared, and none, the physicians had all agreed, had then appeared, a new enquiry certainly was not necessary. If signs of convalescence had since appeared in His Majesty (as it had been industriously rumoured they had) an inquiry was necessary; first, with respect to the fact of those signs; and secondly, with respect to the opinions formed of those signs by His Majesty's Physicians.

Mr. Edwards conceived that the Physicians had not de-
fired to be understood that His Majesty had afforded symptoms of a recovery having begun to take place; but that there were previous signs of a recovery being likely to take place. This information was given the House four weeks ago, and therefore he was of opinion that a fresh examination should ensue, because, though there was no symptom of an actual recovery, but the *semblance of a symptom*, it ought to be ascertained to the House whether the probability of His Majesty's recovery had increased or diminished. Some gentlemen on the other side having laughed when Mr. Edwards used the expression, *a semblance of a symptom*, he declared that he had no doubt but those gentlemen wished, by their insults, to induce him to suppress his sentiment, but as he neither courted their favours, nor dreaded their frowns, he would continue to do his duty, and though he should sit down then, he did so merely because he did not wish to take up more of the time of the House; but when the great ques-

Mr.
Edwards.

tion of Limitations came, he would very fully speak his sentiments upon it.

Mr.
Burke.

Mr. Burke begged leave to congratulate the House upon the declaration of the right honourable gentleman (the Chancellor of the Exchequer) that he was anxious that the government should be put in a situation to act with energy and effect. It was the first time that they had heard of such a declaration, and it was well worth their notice. The House would recollect, that when the Report of their Committee was laid upon the table, they were given to understand that the King's illness was likely to last but a short time; and then, a full month afterwards, they heard they were exactly in the same state of expectancy which they experienced when their report was made. The right honourable gentleman had declared, that they were to go upon that Report as the ground of their proceedings, having no more recent intelligence upon which they could, with propriety, ground their investigations. The right honourable gentleman would not surely contend that the Report of the House of Lords had not been made since the Report of that House; because the examination of the House of Lords was taken since, and taken on oath, which (it must be allowed) gave the Report of the House of Lords more authority than the Report upon their table could possess. That Report the Lords had published for their information, and for the information of the world in general. That Report he held in his hand, and that Report said, that the probability of His Majesty's recovery was more doubtful than their Report stated it to be. No person could (the right honourable gentleman had declared) or ought to state facts without substantiating them and going into an inquiry. He had taken pains to ascertain facts, and he was ready, at a proper time, to prove them to the conviction of the right honourable gentleman and of that House. Not having been of the Committee, he possessed but little authority, and with this little authority, he had endeavoured to supply the deficiency by information; and, therefore, he had resorted to the Report of the House of Lords. In consequence of His Majesty's unfortunate illness what infinite calamities had happened to the country: calamities which might be followed by other, unless speedily prevented, the event of which he dreaded to think; and, therefore, the sooner the Government was restored to its energy and effect the better; undoubtedly; but then it ought to be really a Government of energy and effect, and not a maimed, crippled, and impotent mockery of Government. In order to ascertain the fact, however, that His Majesty's illness was not likely to be of

long

~~Such~~ ~~question~~, let them turn to the Report printed by the House of Lords. Mr. Burke here read several questions and answers from the examination of one of His Majesty's Physicians before the Committee of the House of Lords, the substance of which questions and answers was as follows:

"Are there any signs of convalescence?—None. Since you were called in to His Majesty, were there any signs?—None. Is there any probability of cure?—It diminishes in proportion as the time of the disorder's continuance lengthens."

Here Mr. Burke remarked, that it was a regular ratio to guide the House in forming their judgement; strong grounds arose for the government of their opinions, and if the argument was true, no fit occasion could present itself to examine the Physicians again. If the last answer which he had read, was to be depended on, and let them remember it was an answer delivered by a grave and learned Physician on oath, it bound their Speaker, it bound *him*, and it bound every Member of the House. It was their duty to pay it due attention before they cut and carved the Government, as they would cut out morsels for hounds, rather than imolate it as a sacrifice to the gods. [Here being a cry of *Hear! Hear!*] Mr. Burke repeated his expression, and said with the Poet, "It ought to be considered as a sacrifice fit for the gods, and not as—a carrion carcass, cut for hounds." The Report in his hand expressly said, His Majesty's recovery was less probable, because his illness had now continued a full month longer than when His Majesty's Physicians were examined before a Committee of that House. The other side of the House expressing some disgust at Mr. Burke's mode of reasoning, he said, that he perceived it was the wish of some gentlemen to disturb him, and prevent his delivering his sentiments. They had often done so with too much success before, but he was determined that they never should gain their ends again.

Mr. Bastard declared he thought it immaterial to the purpose, which they all professed to feel at heart, to have a farther examination of His Majesty's Physicians, before they proceeded to restore the government to its due tone. All he wished was, that proper steps might be taken for that purpose, without any farther delay; nor could he conceive that it was necessary at that moment to institute another inquiry, as to the present state of His Majesty's health. They had resolved that His Majesty was incapable of any public business, and having proceeded thus far, it was their duty to lose no time in providing for the exercise of the sovereign authority thereby interrupted. With that view he

had

Mr.
Bastard.

had already voted for one of the Resolutions proposed by the right honourable gentleman. With regard to the Regency and conditions, he had made up his mind upon the subject, and was ready to state his opinion whenever it should be properly under their consideration. He would only say, that when a Bill, which he conceived it would be necessary to pass on the occasion, should be introduced, he trusted that proper care would be taken that the House might receive constant information of the state of His Majesty's health, and from time to time know of his situation. There might be different degrees of illness with which it had pleased Providence to afflict His Majesty, but it was of no consequence to him what the degree of His Majesty's illness was, unless it could be stated that he was capable of attending to business.

Mr. *Vanfittart* begged to know of the right honourable *Vanfittart*, gentleman what was the name of the Physician whose answers he had read from the Report of the House of Lords, and whether the other Physicians agreed with him in the opinion which he had stated.

Mr. *Burke*. Mr. *Burke* said, it was the examination of Dr. *Warren*. [A general cry of *Hear!* from the other side of the House.] Mr. *Burke* immediately observed were their schemes ripe, that they ventured so early to betray their sentiments? Were they going to build a weak and miserable machine of Government on that foundation of fraud and falsehood and calumny? Were they going to rob the first Physician in this country of his character? He called upon them to shew how Dr. *Warren* was likely to have given a false, precipitate, and ill-grounded account of His Majesty on oath? By their clamour, they had furnished an unanswerable argument for a fresh inquiry. He knew Dr. *Warren*, he belonged to a society where the Doctor frequently came, and always found him an instructive companion, and had ever heard him considered as a man of learning, great integrity, and honour; but, if he should now find him a desperate quack, unskilled in his profession, and daring enough to deceive the House of Lords, and to deliver an ignorant and unsounded opinion of the situation of His Majesty on oath, he ought to be enabled to ascertain the fact, and it could be ascertained by another inquiry, where Doctor *Warren* might be uncased to the eyes of mankind, and exposed to the contempt and ignominy which he deserved, if the imputation were true.

Mr. *Burke* concluded with the remark, that a sudden cry was more eloquent than any composition of words, because the genuine sentiment of the soul betrayed itself in involuntary exclamations, while words were frequently used for the purpose of concealing men's feeling, and exhibiting a false colour for their conduct to the eyes of mankind.

Mr. *Vansittart* observed, that though the right honourable Mr. *Vansittart* had answered one part of his requisition, he *Vansittart* had taken no notice of the other, which was a desire to know whether the rest of His Majesty's Physicians concurred in the opinion of Dr. *Warren*, which the right honourable gentleman had read to the House from the printed Report.

Sir *James Johnstone* observed, that the right honourable Sir *James Johnstone* gentleman would prevent them from going upon the most glorious act which the subjects of a free country could perform: upon the exercise of their undoubted right to provide a Government for themselves, when the natural Government was, through accident, or the unfortunate incapacity of His Majesty, no longer able to act. Sir *James Johnstone* protested that he spoke his genuine sentiments independently of favour or any motive whatever but a sense of his duty. He had never been at St. James's since the year 1761, nor at Cattleton House in his life; but, he thought that a man might be a good Member of Parliament and do his duty in that House, without either cringing at Court, or sacrificing to the rising Sun. Besides, how absurd was the expectation of those who wished for a farther inquiry. Was it ever known that two Physicians agreed in opinion in the world! It was impossible to make them agree upon any case, and therefore it was idle to expect it, for which reason he advised the House, who were the true Physicians of the State, to prescribe for it without farther delay.

Mr. *Loveden* confessed that he was always happy when he could coincide in opinion with his honourable friend (Mr. *Bastard*); but, on this occasion, his honourable friend had declared that his mind was made up upon the subject, and therefore he wished for no farther inquiry. Upon a similar principle, and because his mind was not made up upon the subject, he wished for farther information to enable him to decide as an honest man. A variety of contradictory reports were in circulation respecting the state of His Majesty's health, and he could only speak from rumour. In the House of Lords he had heard it declared, that His Majesty was so much better, that there were good grounds to hope for his speedy recovery; but he had heard elsewhere, directly the contrary.

Mr.
Loveden.

Lord *North* remarked, that as a sudden cry had burst forth, Ld *North*, when the name of a physician had been mentioned, to whom he confessed himself greatly indebted, and as that cry might be differently interpreted, by those without doors, from its real meaning, he could not avoid rising to do justice to a character, which might be very materially and very seriously affected, unless some explanation were given, to prevent the interference.

interference of a false and injurious impression. The cry to which he alluded might, like other exclamations of a similar nature, have proceeded merely from the ardor of debate; but, as it could not be recalled, it might be understood, as if the other side of the House had reason to doubt the skill and integrity of Dr. Warren. Now, as he well knew that Dr. Warren was a physician of great learning, great abilities, great honour, and great integrity, for the sake of Dr. Warren's character, which could not be but materially hurt, if an idea should prevail that any part of that House thought him capable of giving false evidence, or disquising the truth, when under an examination upon oath, he earnestly wished that any person who had the smallest doubt of Dr. Warren's skill and integrity, would state what the grounds were, on which he entertained that doubt. It was fair and candid for those who joined in the cry, to rise and justify it. If no one should rise, when thus called upon, he should take the cry to have been nothing more than a sudden burst of zeal for His Majesty's recovery, and that Doctor Warren's skill was acknowledged to be as undoubted, and his integrity as unimpeached, as if no such clamour had prevailed.

Mr. Chancellor Pitt said, that having before explained on what grounds it was that he objected to the motion, and as the greatest part of the debate which ensued, had consisted either of comments on what had fallen from him, or of matter directed personally to him, it would not, he conceived, be considered as any violent infringement of the orders of the House, if he wished to speak a second time. He did not rise for the purpose of making any observations concerning either the character or the skill of Dr. Warren. His skill as a physician was generally known and acknowledged; but, with respect to the particular disorder with which His Majesty was afflicted, his skill was comparatively little, considered or compared to that of those physicians who had made that disorder their peculiar object of attention; and in saying this, he begged the House to know that he spoke from incontrovertible, undoubted authority; from the authority of Dr. Warren himself, who, in his examination, told them, that he always thought it necessary to call in and consult others more experienced in that species of practice than himself. He repeated, therefore, his objection to any unnecessary delay, but, after the very extraordinary footing upon which what he had before said had been placed, it became, in his mind, unavoidable that some farther inquiry should be gone into. He had already contended that the Report gave them ample grounds for proceeding, and then a right honourable gentleman had risen, and told the House that they were to consider the probability of His Majesty's recovery

very to stand exactly as it did four weeks ago, with this
evidence, that the probability of His Majesty's recovery
was more distant, because a month had elapsed since it
had been declared. To this opinion he could not accede;
but the right honourable gentleman thought it a concession;
because he did not wish for any farther examination,
as welcome to consider it in such a point of view. To
best of his belief, the very reverse of the right honourable
gentleman's inference was the fact: and when he had
such a declaration, in consequence of the predicament
which he stood, he could not be supposed to speak wholly
out of information, whilst he affirmed, that what he knew
led him to make this suggestion to the House. With
regard to their future proceeding, he thought that the grounds
stated by the Report of the Examination of His Majesty's
surgeons were ample; and that the two sides to which he
had before alluded, were the whole of what he should beg
to propose to the Committee; but, when he found
under the pretence of supposing that no alteration had
taken place in His Majesty's health in the course of the past
month, matters were stated in such a way, as to extort from
what he had just said, and which he had cautiously
stated in his former speech, from a conviction, that the
Committee could not proceed upon private opinions delivered, or
encomiums passed by others on particular characters, but
it have the grounds of those opinions, and the truth of
those encomiums substantiated by an inquiry, he was of ne-
cessity compelled to agree to that inquiry. He hoped to be
admitted to make some remarks concerning the situation in
which they were discussing the subject. The noble Lord
of the way had talked of the ardor and warmth common
to debate; he was ready to admit, that to debate on politi-
cal questions, where men were governed by their partiality,
(as he meant a laudable partiality to one set of men over
other) from a persuasion that their political system was
best, they might shew a degree of ardor, and occasionally
great warmth; but, in the present discussion, there could
be no difference of opinion, because there could be but one
truth; and, therefore, he could not avoid most seriously la-
menting the degree of warmth which had been used, where
nothing like violence ought to have characterized their dis-
cussion. He could not but feel concern, in particular, that
the right honourable gentleman over against him had done
himself so much injury, as to have betrayed a degree of
partiality which seemed to have arisen from his entertaining
views different from those of the rest of the House. If the
right honourable gentleman had discovered that the evidence
of the House of Commons was not enough to proceed upon,

and that the Report of the Lords was necessary to be recurred to, and if the right honourable gentleman felt the impropriety of delay, was it fair, was it candid, that an argument should be stated on those grounds for farther inquiry, and the Report of the House of Lords quoted, without once stating to the House, that the Report was a Report delivered and printed by the House of Lords nearly a month ago? He here observed, that, contrary to his own opinion, as to the necessity, and merely to prevent the House from doing what he considered as totally irregular and improper; from proceeding to act upon the private opinions of any man, when the grounds of those opinions could be substantiated; he felt himself reduced to the necessity of agreeing to a farther inquiry: but, the House, he conceived, would institute the inquiry, by a motion more generally expressed than that of the right honourable gentleman, and from motives of delicacy, proceed, as before, by a Select Committee, who might, he hoped, finish their examination in half a day or little more; and, as the House might content themselves with having the Report, which would, he supposed, be short, read, without waiting for its being printed, he hoped they would not lose more than a day or two at farthest. Upon these grounds, he should be happy to withdraw the question of the order of the day, wishing, however, that they might not mistake the principles on which it was that he did so.

Mr. Burke answered, that he always thought it necessary to stand upon his guard when the right honourable gentleman undertook his defence. The right honourable gentleman not being able to carry any point by reasoning, had fallen upon his motives, instead of his arguments, well knowing that it was a safer mode of attack, because every man could judge of the justice of the one, though no one could possibly guess at the truth of the other, and, therefore, the right honourable gentleman had judged him from the motives within his own breast. There was, however, so much of malice in the right honourable gentleman's compassion, and so much of censure in his lamentations, that he hoped that right honourable gentleman would have the kindness to spare his pity, and to leave him out of his lamentations for the future. Mr. Burke now, in answer to Mr. Vansittart's question, whether the other physicians concurred in opinion with Dr. Warren? read some extracts from Sir George Baker's examination. He then took notice of Mr. Pitt's observation concerning the tone and emphasis with which he had mentioned the circumstance of the Lords' Report being a month old, and contended, that if the right honourable gentleman prescribed the mode of examination of the physicians, the House never would find out the truth; because,

if learned men were to be examined by ignorant men, the ignorance of the latter rendered the learning of the former of no avail, it being impossible for those who were most knowing in a difficult profession, to put such questions to knowing men, as should extract the necessary information, which could only be gotten at, by suffering the learned to discourse at large, and as they thought proper of themselves, and then to extract and collect from the whole of their discourse what was necessary information. If a difference of opinion existed among His Majesty's physicians, why was not Dr. Monro called? The keeper of one mad-house ought to be set against the keeper of another, and by the opposition they would come at the truth. He knew that Dr. Monro was, to that day, consulted by the first physicians in existence. The right honourable gentleman had asked for good grounds to be shewn, why opinions were entertained that His Majesty's recovery was more improbable than it had been four weeks since; and he, in like manner, called upon the right honourable gentleman to shew what grounds there were for the opinion which he entertained that a greater probability of His Majesty's recovery existed at present, than was perceived before. The right honourable gentleman had absolutely compelled him to say something, in consequence of his having thrown out a most malignant and unmerited imputation. To charge him with not wishing His Majesty to recover, was as foul an aspersion as could have come from the lowest man in that House; and he, Mr. Burke observed, should be the last free man in it, if he suffered himself, at any time, to be brow-beaten by that right honourable gentleman. The right honourable gentleman was fond of throwing about his treasons and his ill wishes; but, for his own part, he would never tamely submit to either. With regard to any warmth which he had betrayed, he should not hesitate to affirm that he had not let a word escape him, that he should be ashamed to have recorded. His voice was weak, and therefore he was forced to raise and exert it; but it did not follow that he was in a passion; he might say, with one of the ancients, who had been charged with being in a passion, "Let my pulse be felt, and see if it does not beat temperately."—When he spoke of a fact, without being ready to adduce any authority for it, then let him be arraigned by the right honourable gentleman, and then let unworthy motives be ascribed to him. He hoped to meet with judges more favourable, than to attempt to criminate him from imputed wishes, when he had argued from authentic information. When he fled from inquiry, then let the right honourable gentleman aim his envenomed shafts at him. He was ready to go into a full and free inquiry at the bar; because there he could do justice

justice to himself, but not in a Committee. Let Dr. Warren be placed against another eminent physician, and a keeper of a mad-house, with thirty patients, against the keeper of a mad-house with three hundred, and thus the House would become possessed of well-founded and complete intelligence.

Mr. Rolle. Mr. *Rolle* contended, that all the blame imputable to the introduction of the name of one of His Majesty's physicians that day, was imputable to the other side of the House, and not to those on the side on which he was; for, that Dr. Warren's name had been first mentioned by the right honourable gentleman himself.

Mr. Pulteney. Mr. *Pulteney* remarked, that he could not perceive, without concern, that so much warmth had been shewn in the debate. He was desirous of calling back the House to a proper degree of temper, and was against withdrawing the question for the order of the day. He considered that both sides of the House had been drawn from their object merely by warmth, and that they had thence forgotten how much the country had already suffered, and was daily suffering, by delay. If any man were to say that it was impossible for His Majesty to recover, that would be a ground for farther inquiry; or if any man were to say that His Majesty was incapable of executing public business, that also would be a ground for inquiry; but neither of these things were said. Between the two, there might be many shades of difference, but the House had no occasion to meddle with either the one or the other.

Mr. Fox. Mr. *Fox* observed, that it did not excite his surprize, when he perceived that the honourable gentleman who spoke last objected against withdrawing the question of the order of the day. That honourable gentleman had, he believed, not been a considerable time in this country, and, therefore, he must be a stranger to the various rumours and reports in circulation. Had he known as much of those reports as he did, the honourable gentleman would, he had no doubt, have thought the proposed inquiry absolutely necessary. With regard to the two propositions that the honourable gentleman referred to, they were nearly the words which he had himself used, on the first day that the subject had been mentioned in that House. He had then said, that all His Majesty's physicians had declared themselves clearly and decisively of opinion, that His Majesty was incapable of meeting his Parliament, and of doing public business; but, that his recovery was probable, though no one of them could say when his recovery was likely to take place. Agreeing, therefore, that His Majesty might recover, and if the probability be that he would recover soon, they must submit for a short time to a weak government, or else do an injury to His Majesty when

ien the time should arrive for him to resume his preroga-
-ves. If that were the argument, still he should contend, at it was necessary for them to proceed to learn when His
- Majesty's recovery was likely to take place; but, for his
- rt, he had not the least doubt of the hopelessness of the
- se. Mr. Fox added, that, upon the present occasion, he
- ast take notice of what had fallen from the right honour-
- able gentleman over the way, and enter his protest against
- that wou'd, if continued, inevitably end in putting a stop
- all freedom of debate in that House. The right honour-
- able gentleman had talked of warmth, and said it was allow-
- le, when the political interests of parties were at stake, but
- t at the present juncture; and that therefore his right hon-
- urable friend had spoken from his wishes. If such attempts
- impute unbecoming motives to Members for their argu-
- ents, were made, unaccompanied with any one reason in
- swer to those arguments, it was enough to fire any man
- ith indignation. He made no scruple to confess, that he
- t equal warmth with his right honourab'e friend, as much
- urmth as he had ever felt on any political question what-
- ever—not from a wish that His Majesty might not recov-
- r; he sincerely wished that he might; but from what was
- ore strong in his mind, even than the satisfaction which
- ast result from his knowing that His Majesty was restored
- his health, from his desire that the people should be ac-
- ainted with the truth. In such a cause, he was not ashamed
- confess himself warm, and to avow his desire and his de-
- termination to resist an attempt to deceive an affectionate
- ople, and to prevent that House from being deluded, un-
- r false pretences, into a mode of government which would
- crifice the Constitution. In such a cause, he felt a warmth
- perior even to his attachment to Majesty; superior to the
- ve and loyalty which a subject owed his Sovereign; an at-
- chment founded in the love of a man of honour to truth,
- d in his detestation of falsehood. With regard to the man-
- r in which the cry had been given from the other side, when Dr. Warren's name had been mentioned, it was im-
- ssible for the friends of that gentleman, and for every man
- dling like a gentleman, not to glow with the utmost com-
- mpt. A physician's eminence, above all other professions
- hatever, stood upon the most secure and certain footing.
- o man employed a physician from favour; no man em-
- oyed a physician because he was of his party, nor because
- had given him his interest at an election; but, they trusted
- eir health in his hands, because he was known to possess
- perior skill, and on that account alone. He would be-
- ve that the great personage before alluded to by him, (the
- rd Chancellor) had an ill opinion of Dr. Warren, when

he should hear that the noble and learned Lord ~~trust~~ health, when he should next have the misfortune to be in any other hands. These were not encomiums, but It was the confidence with which people of the most exalted ranks trusted their healths in Dr. Warren's hands, that made him so unusually eminent as a physician. The cry, therefore, if it meant any thing, must have been meant to convey an insinuation against Dr. Warren's integrity; but, the opinion of Doctor Warren's skill never could rule, no more could the opinion of his integrity rise, though his integrity undoubtedly equalled his skill. The right honourable gentleman had been pleased to say, that he thought that the probability of His Majesty's recovery was greater than before, and he had added, that he was provoked to declare that to be his private opinion. I will not be provoked (as I served Mr. Fox) to declare any private opinion of mine to the contrary, nor will I assent to that of the right honourable gentleman: but, if the House were to proceed on the question of difference of opinion, as to the probability of His Majesty's recovery, which I think is extremely absurd, I may still contend, that the inquiry should be as free and open as possible.

Mr. Pulteney. Mr. Pulteney mentioned his determination to divide the House, declaring that it was not likely that all His Majesty's physicians should decide alike, and therefore, as he considered the proposed inquiry to be nothing more than a delay, he would take the sense of the House on the question of the order of the day.

Mr. Sheridan. Mr. Sheridan begged leave to call to the recollection of the right honourable gentleman, that he was bound by his own words to submit to the proposed inquiry, since he had declared, that if any Member asserted that there was a great probability of the recovery of His Majesty sooner than it had been when the physicians were last examined, the House ought to proceed to another examination. Now, the right honourable gentleman stood exactly in that situation himself, having declared, that he had, from what he knew, no reason to believe that His Majesty's speedy recovery was more probable than it had been, and he had also declared that his opinion had been extorted from him. Mr. Sheridan contended that it was material that the physicians' characters should be deemed sacred; employed as they were about His Majesty, and not in any ordinary case; and therefore, the public had an interest in their characters.

Mr. Chancellor Pitt. Mr. Chancellor Pitt observed, that after what had passed, he should be in the singular predicament of feeling himself obliged to vote against his own motion, and he owned that he should do it with the greater reluctance, as he should

le to differ from the honourable gentleman under
who, he had hoped, would have waved his ob-
e withdrawing of the question of the order of
e must also beg leave to object to an honour-
ur's (Mr. Sheridan) representation of what he
account of its incorrectness. He had not, in
gument, declared, that if any Member could
had reason to believe His Majesty's speedy re-
probable than it was, the House ought to pro-
er inquiry; but, he believed, that he had said,
ember could assert, or suggest that he had good
ik that His Majesty would not recover, or that
over in any given time, in either case he should
nquiry necessary. Mr. Chancellor Pitt added,
not help remarking the extraordinary way in
ght honourable gentleman had chosen to ad-
g as to his private opinion of the probability of
a speedy recovery, or otherwise, when at the
had argued, that they were to consider the pro-
is Majesty's recovery, exactly as it stood when
ad been made four weeks ago, joining to it the
that it was now four weeks since the Report
This was the newest way of saying nothing that
xperienced. He declared he would not retract
ich he had urged in that House; but, if the ex-
re ordered, he conceived that it must not be at
by a Select Committee, on account of delicacy
er consideration.

swered, that as the right honourable gentleman Mr. Fox,
euse him of disingenuousness, he should assure
ad only said that the ground of the probability
ly's recovery must be drawn from the papers be-
fe, unless a new inquiry was gone into. He
opinion of his own as to the present state of
health, nor should the right honourable gentle-
om him the least opinion whatsoever.

errel conceived, that an examination of the phy- Sir Peter
was absolutely necessary; but, that it ought to Burriel.
nation at the Bar of that House, and not
t Committee. Thus the Reports which were
be entirely done away; which would not prove
an examination in a corner, with which he was
t the public would not be satisfied.

ry remarked, that if the examination of the phy- Mr. Pale-
o employ but a single day or two, he possibly reacy.
ntinue his objection to withdrawing the que-
lder of the day; but if there were to be an ex-
the Bar of the House, the examination would
not

not be gone through in a week, and then the delay might become attended by consequences of too serious a nature.

Mr. Sumner observed, that when gentlemen applied to an examination before a Select Committee appointed by that House, the unworthy expression of doing business in a corner, a reflection became levelled against those honourable Members who had been on the last Committee; neither could he approve of the procrastinating method which must attend an examination at the bar of the House.

Mr. Vyner considered what had been said as no reflection on himself, or any Member of that Committee, in which he would do the right honourable gentleman the justice to say, that every thing was conducted regularly and satisfactorily, to all the Members, with their unanimous approbation, and with the strictest regard to niceness, and every thing of that kind; but as the Report of that Committee had not appeared to have given complete satisfaction to the public at large, he was for going into an examination in the fullest manner.

Mr. Pulteney waved his objection, and the question of the order of the day was withdrawn.

Mr. Chancellor Pitt then moved,

" That a Committee be appointed to examine the physicians who have attended His Majesty, touching the state of His Majesty's health, and that they do report the same to the House."

Mr. Sheridan moved by way of amendment,

To leave out from the words "examine the physicians," to the end of the above motion, in order to insert,

" To enquire into the nature and present state of His Majesty's malady, and into the probability of his speedy recovery, and that they have power to send for such persons and papers as they think may give them sufficient information concerning the same."

Question put, that the words "to examine the physicians" stand part of this question. Upon this a division took place, 221, to 141.

An amendment was again moved, to insert after "physicians," "and other medical persons." This passed in the negative.

Mr. Chancellor Pitt afterwards moved, " That the physicians who have attended His Majesty during his illness, touching the present state of His Majesty's health, be examined before a select Committee."

An amendment was proposed, by leaving out "select Committee," and inserting "at the Bar of this House."

It passed in the negative, and a Committee of twenty-one persons being named, the House adjourned.

Wednesday, 7th of January.

The House was not sufficiently attended for the purposes of business.

Thursday, 8th of January.

The examination of the physicians concerning the state of the health of the King not being concluded, no debate occurred; and, on

Friday, 9th of January,

The Speaker had scarcely taken the chair, when the House adjourned.

Saturday, 10th of January.

The Speaker having taken the chair,

Mr. *Dundas* expressed his concern that any farther disappointment should occur respecting the report of the Committee appointed to examine His Majesty's physicians. The Committee were indefatigable in their endeavours to have the Report ready to lay before the House on this day; but still he found it necessary to apprise the House that the Report could not possibly be ready before the ensuing Monday; and he would, therefore, after moving that the order of the day for the House going into a Committee should be discharged, move, "That the House do meet on Monday next, to receive the Report of the Committee."

These motions being put and carried,

Mr. *Dundas* observed, that for the better satisfaction of the Members, the Report could be printed against Wednesday; and he would therefore move "That the House do meet on Wednesday next, to take into consideration the State of the Nation"; which motion being also agreed to, the House adjourned.

Monday, 12th of January.

Sir *Robert Smyth* begged leave to inform the House, that he had a petition to present from the Electors of Colchester, but as he saw that the House was rather thin, and the subject of the petition might possibly occasion much discussion, he would merely give notice of the contents of the petition, and move it on the following Wednesday. Sir Robert then read the petition, which alleged, that Sir Edmund Atteck died on the 19th of November last, that his death occasioned a vacancy for Colchester, that a writ was issued for the choice of a Representative for that borough in December last, that George Jackson, and George Tierney, Esquires, became candidates, that the Returning Officer having proceeded to an

election, had, on the close of the poll, declared the numbers of the votes on each side to be equal, and made his return accordingly to that House. The petition afterwards stated the inconvenience resulting to a town of so much trade as Colchester, from the circumstance of remaining unrepresented for two months, and during the agitation of questions of so much critical moment and importance, as had for some weeks past engaged the attention of the House, and it was added, that the electors who had voted for Mr. Tierney, had no doubt but that in due time they should be able to establish the fact, that Mr. Tierney had the majority of good votes, to the satisfaction and conviction of a Committee of that House; and therefore prayed the House to take such measures as to their wisdom should seem fit, to prevent the town of Colchester from any longer remaining unrepresented.

Mr. Dempster remarked, that nothing could more militate against his ideas of the Constitution, than the supposition that the House, under its present circumstances, could even go the length of issuing a writ, for the choice of a representative for a vacant borough, or take any one step whatever of a parliamentary nature, before they had the third Estate restored, and were made a regular House of Parliament. In his opinion, the ancient practice was preferable. He thought that the restoring the Constitution to its complete form, the preliminary step to be taken, before they proceeded to the exercise of any of their individual functions as one branch of the Legislature, and therefore he hoped that the honourable Baronet would waive his intention of presenting the petition on Wednesday next, and not urge the House to proceed farther than the length of issuing writs, to which they already had proceeded.

The House waited in expectation of the Committee appointed to examine His Majesty's physicians being able to complete their Report, and present it as upon this day, but, such an event not happening,

Mr. Vyner observed, that it was not without uneasiness that he found himself under the necessity of offering to the House a motion upon the present occasion; but, although the Committee above stairs had applied themselves most assiduously to the object of their appointment, and had exerted every endeavour to expedite the completion of their Reports, they had found so much new work upon their hands (and that of too great importance to be passed over) that it had as yet been out of their power to finish their business, and therefore they felt themselves obliged either to become guilty of the very gross irregularity of making a Report in part only, or of desiring the House to wait another day, by which time they

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thought they should be able to conclude their examination, and make their Report whole and entire. Upon this ground he should beg leave to propose an adjournment until the morrow.

The question of adjournment having been put from the Chair, the same was agreed to.

Mr. Chancellor Pitt at this moment entered the House, and desired to be heard a few words before the House separated; ^{Mr} Chanc a cry of "Places! Places!" prevailing, some gentlemen for Pitt said, "there is no Speaker in the chair," (Mr. Grenville having left it as soon as the question of adjournment was carried) the Chancellor of the Exchequer then said, that as his object was to save gentlemen trouble, he hoped they would excuse a little disorder; that he had not been able to get down sooner, having but that moment left the chair of the Committee. As the Report, from the circumstances that had occurred during the examination, would be considerably longer than had been at first expected, Mr. Chancellor Pitt informed all the Members present, that had the House been sitting, it was his intention to have moved to discharge the order for the House to resolve itself into a Committee of the whole House on the State of the Nation on Wednesday, and to have moved it for Thursday, which was as early as the Report could reasonably be expected to be printed, and gentlemen to have read it. No person, he declared, could be more anxious and impatient than he was, on every account, to go into the Committee on the State of the Nation, and proceed to take the other necessary steps for restoring the Government to its due share of energy and vigour, but as the delay of a day was, under the circumstances which he had mentioned, absolutely unavoidable, he hoped that what he had then said, however irregularly introduced, would be considered as a notice that he should on the morrow move to discharge the order of the day for Wednesday, and move it for Thursday.

The House immediately separated, and adjourned.

Tuesday, 13th January.

The Report of the Committee appointed to examine His Majesty's physicians, being expected to be made, the House waited till past five, when the Committee above stairs rose, and Mr. Pitt, Mr. Burke, Mr. Sheridan, Mr. Vynner, with other Members of the Committee, came down, and privately informed the Speaker, and most of the Members present, that they had closed their Examination, and that the Report waited only for the last sheets of it to be fairly copied. At half after five Mr. Chancellor Pitt brought the Report down, and, after the usual form, was ordered to

bring it up to the table. He then moved, "That the Report be now read." This motion brought up

Mr. Burke, who, having met it with his objection, declared, that he would confine what he had to say to a few words, and a few words only. It always gave him pain to differ in opinion from gentlemen with whom he was associated for the purpose of discharging a public duty; and, on the present occasion, it gave him as much pain so to differ, as it ever had done on any one occasion, that had occurred in the whole course of his life; but, there was a point of duty, and, in that duty, a point of importance superior to every personal consideration. It was, therefore, in compliance with that important duty, that he then felt it incumbent on him to rise, to object to the Report's being read, to move for its recommitment, to complain of the conduct of the Committee, and to accuse them of not having faithfully discharged their duty. The first matter which he should beg leave to state was, that instead of construing the Order of the House, which appointed them, in its largest sense, and extending their inquiry to that degree which alone could be likely to furnish ample evidence, they had narrowed it within the literal construction of the order, and confined themselves to the bare examination of His Majesty's physicians, without calling before them any of the surgeons, apothecaries, and others, who had attended on His Majesty, and by that exclusion had debarred themselves from the opportunity of learning from the most likely channels of authentic information, the actual state of His Majesty's health, and the progress of that alteration and approach of convalescence, from whence they were to collect their hopes of his recovery. From this circumstance of their having narrowed their ground, and included themselves within the letter of the law, they had deprived themselves of the possibility of reporting the whole truth; and thus, by a partial and imperfect Report, had given what it contained of truth, in such a maimed and mutilated state, that it could not be relied on. Mr. Burke added, that he was aware that the Committee had acted under the Order of the House; but, still he thought it right to state what he had said, in support of his charge against the Committee; at the same time, he did not rest his complaint to the House chiefly on the circumstance of the Committee having narrowed their ground of inquiry, and confined it too literally to the Order, upon the authority of which they had proceeded. There were other grounds of complaint, consisting of the omission of certain material circumstances, tending, in his opinion, to give the Committee a just estimate of

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the state of His Majesty's health, and of the probability of his cure. Mr. Burke explained these to consist of two points, the chief of which was, that of two of His Majesty's physicians having been set against each other, and examined as equal in point of skill. He did not (he remarked) so much complain of Dr. Warren and Dr. Willis having been put upon an equality, and so considered (because it was impossible for him to know, whether in point of fact they were so or not) but where there was a manifest difference of opinion between two professional persons, in respect to the nature of the King's case, the only way for unlearned men to enable themselves to decide which authority ought to preponderate and govern their opinion, was by calling other physicians before them, and by examining them, collecting to which of the two so set against each other, the greatest degree of credit ought to be given. Mr. Burke here observed, that it appeared plainly to him, in consequence of what had come out in the course of the examination, that His Majesty's life was not safe, nor had it been safe since he had been put into such hands. He did not mean by this declaration, that there was any where a treasonable design to take away His Majesty's life. Heaven forbid, he added, that there should be any such design! He imputed a murderous design to no man, but he must take the liberty of repeating that it appeared to him (and he believed he might say, that it *thus* appeared to others of the Committee) that His Majesty's life was not safe, and all this owing to no bad design in any person, but to the rashness of those to whom the care of his royal person was intrusted. That trust, if he might so phrase it, was of too much sacred importance to be suffered to be executed rashly, carelessly, and improperly. In it was involved the life of the Sovereign and the interests of the People! Mr. Burke declared that he should, on the grounds which he had stated, move to recommit the Report, because it was, in his opinion, highly essential, that, having contrasted two physicians together, the other physicians ought to be fully examined upon the points in dispute between those two physicians so contrasted; and, if the Committee did not possess sufficient powers to have pursued such an examination, they ought immediately to have come to the House and asked for farther powers. He was aware that his motion would be attributed to delay; but although the Report upon the table certainly would appear important; it must still acquire an additional consequence if rendered more extensive, and it would at the same time prove more faithful, more fair, and more full, as well with regard to its object, as to the physicians themselves.

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ller Pitt.

Mr. Chancellor Pitt remarked that the right honourable gentleman had entered upon an accusation against the Committee for having narrowed their inquiry; which, when the time during which the Committee had continued engaged upon their investigations, and the bulk of the Report on the table, nearly 400 folio pages, were considered, he did not believe would be the sense of the House. But, the right honourable gentleman said that they had narrowed their inquiry, because, having been ordered by the House to examine His Majesty's physicians, the Committee had not proceeded to examine His Majesty's surgeons and apothecaries, for examining whom, the sense of the House had been expressly taken before the Committee sat, and the sense of the House had been, that they should not be examined. Whether the Committee had not examined His Majesty's physicians for the last week fully, would be seen from the Report. But, as, from the manner in which the right honourable gentleman had stated, what he had called the setting two of His Majesty's physicians one against the other, an impression might, possibly, be made upon the minds of the House, that the Committee had examined only two of His Majesty's physicians; it became necessary for him not to let the House separate without informing them, that when the Report was read, Gentlemen would find that the Committee had examined every one of His Majesty's physicians; and that over and over again. They had put to all of them every question which appeared to them immediately to lead to the main point and object, and, he was ashamed to say, a great many collateral questions besides, all of which had a very remote relation to the state of His Majesty's health. But, in the course of their inquiry during the preceding day, a point had manifested itself, which was not the point of the King's recovery, nor the point of Dr. Willis's or Dr. Warren's opinion concerning the probability of that most desirable event, but a point which went to the skill of His Majesty's physicians; a matter which the Committee was neither authorized nor competent to inquire into. The right honourable gentleman had himself, at the last moment when the Committee were about to close their examination, and to dismiss the Physicians, thought proper to introduce collateral a point, that conveyed a charge against Dr. Willis's conduct, and the single circumstance on which the right honourable gentleman had then rested the strong language which he had just used, of *His Majesty's life not being safe*, was, its having come out, that Dr. Willis had *trusted a razor in His Majesty's hand*; a fact, which Dr. Willis most readily admitted, and without the smallest reserve had stated his reason for his conduct. Mr. Chancellor Pitt contended, that

the sort of inquiry for not having suffered which Mr. Burke had charged the Committee with not having done their duty, was an inquiry into the skill and prudence of Dr. Willis, which the Committee had no right to make, and that the circumstance on which he had grounded the strong language which he had used, was chiefly a question of reason and propriety, and not directly in point to the object before them; and, therefore, the Committee, after being satisfied as to the immediate end of their inquiry, had thought it their duty, instead of frustrating the expectations of that House, and of the Public, by what they considered as unnecessary delay, to close their Examinations, and make their Report. The right honourable gentleman, he conceived, could not be serious in objecting to the Report being read, because it would be impossible for him to introduce the motion of recognition, or any other respecting it, unless the Report were first read *pro forma*. Mr. Pitt said, that it had been his intention to have moved, that the Order of going into the Committee on the State of the Nation should stand for Thursday; but from the extreme length of the Report, he had learnt that it would be impossible to have it printed ready for delivery before Thursday morning; and as it was voluminous, Gentlemen could not read it through in time to proceed upon it in the same day. He found himself under the necessity therefore of moving, that the Committee on the State of the Nation stand for Friday.

Mr. Wyndham remarked, that the first observation which he had to make on what had fallen from the right honourable gentleman (Mr. Chancellor Pitt) was, that whether the Report proved long, or not, was a mere relative consideration. The length or shortness of a Report, undoubtedly, depended on the importance and extent of the object to which that Report was confined, and it was of no consequence whether the Committee had deliberated one day or ten, or what was the number of sheets contained in the Report. They had been ordered to inquire touching the state of His Majesty's health, and the probability of his recovery, and they were to form their own judgement upon it, and report that judgement to the House. They could have no judgement till they had inquired and obtained information, and that information they were to receive through His Majesty's physicians. In order to obtain it, they must necessarily ask them questions of all sorts, and not merely as to their knowledge of the present state of His Majesty's health, and their opinion as to his recovery; because, that kind of examination would prove short indeed, could take up but a very little time, and might be completed by making the number of questions the same as that of the physicians. Mr. Wyndham argued the necessity

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of sifting the grounds of the opinions of the physicians, as well as of ascertaining the facts on which those opinions rested. He put the case, that if he knew that a man was in a bad state, what better ground was there than of learning whether the opinion of his physicians had been wrong? Suppose a physician of superior authority, and who stood alone, was called in, and said, it was true that a patient was in a bad state, but that the course pursued with him had been wrong, and that another course would be more advantageous, should he not take the opinion of other physicians on the subject, and know from them whether another course would be more advantageous? Upon those grounds, therefore, he thought the Committee had neither done justice to the physicians, nor discharged their duty. The first, he acknowledged, was a subordinate consideration, but still it was sufficiently important, in his opinion, to warrant his right honourable friend's objection.

Mr. Burke Mr. Burke declared that, in the first place, he had not complained of the Committee's having narrowed their inquiry on the ground of their not having continued long enough engaged, or made a Report sufficiently voluminous; but, on account of their too religious obedience to, or rather too liberal and too strict an observance of the order by the authority of which they had proceeded; nor had his objection gone to the examining of two witnesses only, but that a difference of opinion having been stated by those two, he had contended, that the other physicians ought to have been examined as to the grounds of that difference of opinion, whence the Committee might have fortified their own minds, and enabled themselves to decide which opinion was right. The right honourable gentleman had intimated that much of the discussion which had kept the Committee sitting so long, had been owing to those who had differed in opinion. If the House would have a little patience, he believed that it would be found to be otherwise. With regard to his having introduced a point at the end of the inquiry, which had led to collateral circumstances not immediately relative or material, he appealed to the right honourable gentleman, whether he had not, in the early part of the examination, given way to Members of the Committee of greater weight and authority than himself; but, when he had done so, he had expressly observed, that before the inquiry closed, he should put questions of the nature complained against. If then he had been wrong at the end of the inquiry, he had been wrong at the beginning, and ought to have been stopped at the outset.

Sir John Scott desired to call the attention of the House, by one word only, to that part of the right honourable gentle-

man's speech, in which he had intreated the House to have a little patience, and they would be able to decide for themselves. He wished the House to attend to that; because, at present, it would ill become him to argue upon the result of an inquiry, or to reason on the contents of a Report, with which the House were unacquainted; but when the proper moment should arrive, he pledged himself to deliver his opinion upon the subject, and to state why he differed from the right honourable gentleman, and why he thought the Report contained all the material information which the Committee, consistently with their duty, and a proper regard to the order of the House, could obtain.

The question for reading the Report was put and carried; and as soon as the Report had been read *pro forma*,

Mr. Burke moved, "That the said Report be re-committed."

The motion for re-commitment was negative.

Mr. Chancellor Pitt then moved, "That a sufficient number of copies be printed for the use of the Members of that House," and "That the order for the House to resolve itself into a Committee on the State of the Nation on the morrow, be discharged."

This being agreed to, he afterwards moved,

"That the House resolve itself into the said Committee on Friday, and that the House adjourn to Friday."

Both motions having been agreed to, the House rose.

Friday, 16th January.

Sir Robert Smith rising, read over the Colchester Election petition, in the same manner as on the preceding Monday. He remarked, that he was aware that there must be some small irregularity in the House's proceeding to notice the petition; but, as they had issued writs, chosen a Speaker, and exercised other important functions, he saw no reason for their stopping short, and refusing to take into consideration a complaint of an improper return upon an election, by the means of which, so considerable a town as that of Colchester, and a town so respectable on account of its trade, manufacture, and commerce, had remained misrepresented during the whole time that the late very important subjects of discussion had been under agitation. For his own part, he rather hoped that no objection would be made to receiving the petition, as on the day when a doubt had been started, whether, under the present circumstances of the House, the Speaker ought to issue his writ to chuse a representative for a vacant borough, a right honourable gentleman opposite to him had advised, that the Speaker might issue his writ, and

expressed an anxiety, that, during the agitation of questions so new, critical, and important in their nature, as full a representation of the people in that House as possible might be obtained. The subject would justify much discussion; but, as other matter of infinite magnitude was expected to occupy the attention of the House, respecting which the public curiosity was extremely impatient, he would hardly move for leave to bring up the petition.

Mr. Dempster begged leave to remind the honourable Baronet, that upon a former day he had intreated him to waive his intention of agitating the petition at present, and this, because he thought that the House had no power to do any one matter of business under the present circumstances, other than what the necessity of the case absolutely required. He conceived that the restoring of the third estate, and the giving Parliament its regular share and authority, by opening the session in due form, was the first and only measure which either House ought to pursue at present; but, on looking to Mr. Grenville's act on the subject of trying contested elections, he found a clause which fully militated against the reception of the petition; and, of course, rendered all discussion needless. In consequence of this clause, every petition, in cases of election, was to be presented within fourteen days after the opening of the session; and as gentlemen well knew that the session had not been opened, the propriety of rejecting the petition was too obvious to stand in need of any force of argument.

Mr. Chancellor Pitt observed that, as the House had met for the investigation of most important business, respecting which, the impatience of the Public had risen to a great height, he should not devote many moments to the present subject. It appeared to him, that the manner in which the petition was brought forward, was different from that in which petitions in cases of election were generally introduced, which of itself was sufficient to shew that the case was new. In general, petitions, complaining of undue elections and false returns, were brought and laid upon the table, within fourteen days of the opening of the session, in consequence of an order of the House. At present, it was notorious that the House had made no such order, the session not having been regularly opened, and, therefore, the honourable Baronet, he presumed, had moved for leave to bring up the petition. The honourable Baronet had stated, that a doubt being started as to the propriety of the Speaker's issuing his writ for the election of a representative of a vacant borough, he had arisen and declared his wish to have the representation of the people in that House as full and as complete as possible, during the agitation and discussion of those very critical ma-

stant questions, to which the exigency of the times unfortunately gave occasion. — The fact undoubtedly was so, he still entertained the same opinion, and was extremely anxious that the representation of the People should be as complete as possible; but, though he was very ready to take every proper step towards that end, yet, as the other business of the day pressed exceedingly, without meaning to decide at all upon the question that had been moved, he thought most advisable mode for the House to pursue, would be, to adjourn the debate upon it till the ensuing Monday, by which means, gentlemen would have had time to look into Grenville's bill, and make up their minds as to the measure which might prove the most proper for their adoption.

Mr. Robert Smith answered, that as the town of Colchester Sir Robert Smith so respectable in point of view, he thought its remaining unrepresented, while such critical, constitutional questions were daily agitating in that House, a matter of serious moment, and had therefore felt it his duty to apprise the House of the fact, and submit the petition he had read, to their wisdom and judgement.

The motion for adjourning the debate upon this question, was put, and carried.

Mr. Chancellor Pitt now moved, "That the order of the day be read for the House to resolve itself into a Committee on the State of the Nation."

The same was read accordingly, with the order for reading the several Reports which had been brought up and referred to the Committee. The Speaker left the chair, and *Mr. Brooke Watson* took his seat at the table.

Mr. Chancellor Pitt opened his remarks, by expressing concern at perceiving that the particular situation of the country called upon them to exercise a right, that had devolved upon them, in consequence of the melancholy situation of His Majesty, which rendered him incapable of exercising the Royal authority. He added, that, upon the present distressful occasion, it behoved them to provide the means of supplying the deficiency; but, in doing so, he trusted that it must be the wish of every gentleman, that they should proceed in the manner the best calculated to give general satisfaction, and the most likely to secure the approbation of the People, who, he had the happiness to know, generally attended every step which they had hitherto taken. He sincerely wished, that every measure which he should have the honour to propose, might be fully discussed, fairly decided upon; that the nature of the case, the general principles on which they ought to proceed, and the application of those principles, might be clearly and distinctly set out. In so doing, they would be best enabled to

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meet the emergency which called upon them, and to provide for the defect of the personal exercise of the Royal authority. The business of the Committee lay in a very narrow compass; notwithstanding the voluminous Reports on the table. In the Report last delivered, there was abundant matter of confirmation to him, of the propriety and prudence of those measures which he was, as the Committee were aware, prepared to have proposed to them nearly ten days ago. But, though there was much material information in that Report, there was no difference, in his opinion, in the ground of what he had to offer, but that, on the former day, as well as on the present, the Committee had more information before them, than was sufficient to bear out all that he should submit to their consideration. Had he, on the former day, felt it necessary to state the ground on which he intended to have built his proceeding, he should have stated it thus, "That His Majesty was incapable of meeting his Parliament, or attending to public business; that the unanimous opinion of his physicians was, that His Majesty's recovery was more probable than the contrary, and that all the physicians agreed, that it was impossible to ascertain when that so much wished-for event might take place, but that those who were more immediately conversant with the disorder with which His Majesty was afflicted, had declared that the majority were cured, and that one of the physicians, the most conversant of any, had stated, that the greatest length which he had ever known the disorder to continue, was a year and a half, or two years; that the shortest was three months, and that the average five or six months." In saying even that, he should have said more than was necessary for any argument on the principle on which he went. What they had to provide for, therefore, was no more than an interval, and he flattered himself that it would prove but a short interval. If, however, unfortunately, His Majesty's illness should be protracted, they might leave it to Parliament to do what was at present clearly unnecessary; to consider of a more permanent plan of Government. If they regarded the disorder not in itself incurable, any man must think, that the provisions ought not to be permanent. Mr. Chancellor Pitt now recapitulated what had passed concerning the subject upon the Tuesday evening, and the line of argument that had been adopted, which rendered it impossible for him to avoid giving way to a more narrow and minute inquiry, than had before taken place, and however he might feel pain on account of some particular points which had passed in the Committee, he could not, upon the whole, but rejoice that *he had given way*, as it now appeared that the argument, 12/23

ch the right honourable gentleman over against him had said, that, because a month had elapsed since the former inquiry, that His Majesty's cure was to be considered as the most improbable, was not grounded; since, however much physicians disagreed in other points, they were unanimous, that the probability of the cure rested precisely on the same grounds as before; a circumstance which, he was pleased, would give as much pleasure to the right honourable gentleman as it had done to himself.

With regard to the difference of opinion between the Physicians, as to the prospect of a recovery, it appeared to him to depend on two circumstances, by which it could be decided whose opinion the greatest reliance ought to be placed. The first circumstance was the knowledge of the malady in general; and the second the knowledge of the particular case of the patient. Three of His Majesty's physicians had been conversant with the malady. Two others (Mr. Pitt and Dr. Willis) though not so conversant, are well acquainted with His Majesty's habits. These two (Sir George Baker and Dr. Warren) attend His Majesty for two hours each day, the others from the evening until eleven in the forenoon. It was natural for those who attended His Majesty daily, to be the best judges of his situation; and it was remarkable that Dr. Warren and Sir George Baker were the most confident of a cure, and the other Doctors much greater sceptics; but Dr. Willis, who attended His Majesty more than any of the others, was more sanguine than them all. Lucas Pepys states circumstances which do not amount to certainty of a cure, but which proves an abatement of His Majesty's disorder. Dr. Willis is of opinion that all the symptoms since the time of the last examination, are favourable, and there are considerable symptoms of improvement. In a word, all the physicians agree in the probability of His Majesty's recovery, that the length of the illness has made no unfavourable change, and those who understand the disorder best, think it more favourable. For his own part he wished not to go at length into the particular of the last Report, on which the Committee might safely act, as there were those on the Committee who were anxious for His Majesty's recovery. There had been those who gave a considerable degree of credit to Dr. Willis; if, therefore, any observations should arise from them, he considered that they would be made in the same spirit, and with the same ability as when they were urged in the Committee of the stairs. Upon this occasion, he felt it but common justice to commend the skill, integrity, and good sense of Dr. Willis, which were evinced under a severe cross examination.

nation, calculated to puzzle simplicity, and leave the evasions which should, of necessity, accompany the delivery of evidence, too unguarded. However it might suit with the political intrigue of the times, or be convenient to circulate them at present in London and its environs, he would not anticipate the remarks which might be made; but, if there were any such remarks to be brought forward, he desired, that if they chose to discuss the credit of either this or that physician, that they might understand the nature of the imputation. In the course of the inquiry above stairs, a circumstance had come out, over which he would not draw a veil of delicacy, as he was not ashamed to bring it forward. If it be stated to the discredit of any physician, that he had submitted to be unduly influenced by a great Personage, let the Committee know to what physician the imputation of having consented to give an untrue account of the state of His Majesty's health applied; if an impropriety of transaction like that was imputed, he would not believe it till it was distinctly *ventured* to be said, and when he used the term *venture*, he did not mean to use it with regard to the exalted station of the person in question, but with regard to the transaction itself; nor did he (he repeated it) believe that any man would *venture* to charge blame of any kind on the respectable personage in question, who had lived for almost thirty years in this country without traduction, a pattern of the most unexampled affection, domestic tenderness and virtue, against whom the breath of calumny had not dared to send forth even a whisper, and who could not merit it at a moment, when visited by a calamity, which rarely befalls a private person, but which surely is not a little aggravated when it becomes the lot of the family of a person in so exalted a rank as the Sovereign of the country. As to the fact itself, it appeared that Dr. Warren allowed that apparent circumstances of an amendment began to appear; and there was, in consequence, a wish on the part of His Majesty that the Report might be such as should give the Public the most favourable account of His Majesty's health; but would any man prove that any undue influence had been used for that purpose? Mr. Chancellor Pitt explained in what manner the words a *comfortable way*, had been introduced into the Report, and then spoke of Dr. Willis, declaring that he was known in the country where he lived, by his character, and by the happiness which he had been the means of giving to the numerous families who were bound to bless him for the good effects of his skill. He mentioned another physician, whose character was likewise high, and declared that if he wished to draw a true conclusion of His Majesty's state of health, and prospect of recovery, he would wish to draw it from Dr. Willis, more than from any other.

physician. At length, Mr. Pitt adverted to (what he called) the situation for which they were to provide, and this situation was no less than the cessation of the personal exercise of the Royal Authority; a deficiency for which no provision had been made. As the cause of this deficiency he had every reason to think, would prove but temporary; they must deliberately consider what were the cases for which they were to apply a remedy. The first object for which they had to provide, was to secure the establishment of Government in the country, equal to its safety and the publick interest of publick business. Out of the nature of such a provision another duty arose, of equal importance to the other; this was, to take care that the measure embraced did not go beyond the necessity of the case. The Committee were to provide powers for the exercise of the Government, they must take care to place those powers in proper hands; but, above all things, to recollect that they were facing a King on the Throne. They were to remember that the Throne was full, that no right anywhere existed to deprive the Royal Authority, but that which was conferred by Act of Parliament; they were to take care to provide against any infringement in the resumption of the Royal Authority, however God in his providence should permit the rightful King again to exercise it. They were to provide only for the necessity of the case, and not to exceed it, and therefore the powers which he should propose, would be to invest his Royal Highness the Prince of Wales with the whole Royal Authority, to be exercised in the name, and on the behalf of His Majesty, under such limitations and restrictions only as should be provided. The principle was not new, although the instances of the case happened to be unprecedented. Any man would say that the same power which the principal possessed ought to be given to the delegate; and if these referred to precedents, they would find that no one instance could be met with of the whole of the Royal prerogative having been so delegated. On the contrary, every precedent which bore the smallest analogy to the present situation, evinced the direct contrary, and that, doubtless, with a view to facilitate and ensure the resignation of the delegate, that the principal should be competent to exercise or to renounce his authority. Mr. Chancellor Pitt referring them to the Act of Queen Anne, (the Act of Succession) the Regency Act of George the Second, and the Regency Act of the present King, added, let them look to the case of a King disabled by infancy! Was the Regent of the Kingdom invested with full and unlimited power to exercise the Royal Authority? Undoubtedly not. In the three Regency Bills in the Statute Books to which he adverted, were

there not limitations? There were in every one. All the powers might be given, but then they were not given to one person. What was the principle in a case of minority? It was thought unsafe to vest all the powers in one person. He laid particular stress on the Regency bill, in the reign of George the Second, and observed, that there appeared at that time to have been a wish on both sides the House, to doubt what confidence should be placed in the Regent. They were afraid of making a precedent, and therefore they gave the Royal powers among many, appointing a Council, without whose consent the Regent could take no important step whatever. The will of the predecessor was by one of the bills to be the system followed, while the Heir Apparent continued a minor; a principle which he owned he thought went too far, although it was a plausible principle, and was apparently most applicable to the present case. After reasoning upon the three different precedents, and touching upon the short Protectorate of Richard the Third, the other Protectorates or Guardianships in the earlier periods of our history, and endeavouring to demonstrate by argument, that as in no preceding instance all the powers of Royalty were given to one person, so in the present instance (which certainly differed most essentially) they ought not to be, nor could they be, trusted in the hands of one person, without proving a hazardous, and possibly a prejudicial experiment, he declared that he would give his vote for investing the Regent with all the powers which are necessary, but would not agree to give any which were not requisite to carry on the Government of the Country with energy and effect.

Mr. Chancellor Pitt now observed, that he need not trouble the House with his first resolution, as he had already stated its substance and effect. The second resolution (which he read) was to restrain the Regent from exercising one branch of the prerogative peculiarly inherent in the Crown, and this was, the power of granting peerages, excepting to His Majesty's sons, being twenty-one years of age. This restriction he thought necessary, as the Regent ought not to confer any grant which might produce difficulties and embarrassments, when the happy hour of His Majesty's restoration to his health should arrive. The object of investing the Crown with the Power of creating Peers, was to enable the Sovereign to distribute rewards to eminent merit, and to give the Crown the means of choosing persons, who should add to the number of one of the branches of the Legislature. The creation of Peers was one of those powers which belonged personally to the King. When he made this assertion, he scarcely meant to inculcate that it was the individual

of the King to create Peers, but that it was an especial prerogative of the Crown. He enumerated the grounds on which he conceived that the Crown might exercise the privilege of making Peers, and described what he regarded as the inconveniences which might follow from the Regent having the power to make Peers, contending that it was possible, that the consequence of the House of Lords might be lost, and the system of the country overturned, and the Government end in a pure Monarchy, an Aristocracy, an Oligarchy, or some resource equally distant from our present Constitution. He desired, if he failed to enumerate any particulars connected with any part of the subject, to have them pointed out to him. He reasoned upon the sort of effect which (as he supposed) might arise from depriving the Regent of the power of creating Peers, merely for a time, observing, that surely it would not be contended, that for want of such an incentive for a few months, the country was likely to be deprived of the service of men of merit. If His Majesty recovered, as they all hoped, and had reason to expect he would, the power of creating Peers might be exercised by the rightful holder of the prerogative; but, if unfortunately His Majesty should grow worse, and be pronounced not likely to recover for a long time, Parliament would have it in its power to take off the restriction, and vest the Regent with a power, which though not at present, he was ready to admit might in time become necessary to the carrying on of a powerful government. He mentioned the fluctuation of wealth and property in the country, and the propriety of occasionally raising monied men to the Peerage, in order to give the landed interest its fair balance and share of the honours in the power of the Crown to bestow. He alluded also to the sort of hands into which the conduct of public affairs was likely to fall, and said that unless they had reason to expect a desperate confederacy and cabal, to obstruct the public measures, he saw no sort of inconvenience which could result from a temporary withholding from the Regent the power of making Peers. As an abuse of the prerogative of making Peers, he urged the possibility of such another confederacy and cabal forming, (as had been convicted of a design to overthrow the constitution a few years since) who might give the Regent advice, which the Crown would probably have rejected, and such a number of Peers might be created, as might considerably embarrass the Crown in carrying on the Government, when His Majesty should be restored to his health. For his own part, he meant to make no professions, but he desired that what he was going to say might be considered as the test of his future conduct; and, he declared, that he should not be found an opposer of the just and wise measures of the new

government, which would remain to be discussed hereafter. He urged other arguments in the attempt to prove that the withholding the power of making Peers for a time was what they owed to the real interests of the country, and the true Sovereign; that it could not become prejudicial to the Regent's government, and if it should threaten to grow detrimental, they would have the remedy in their own hands; a principle which coupled with that of doing nothing beyond the real necessity of the case. At the first view, the principles which he had laid down might be supposed not to confine themselves merely to one branch of the Legislature, and it could be contended, that as the present House of Commons had proved themselves so loyal to their Sovereign, and attentive to the interests of his People, His Majesty would be happy to receive the congratulations of the same House of Commons on his recovery; but a little more consideration would shew, that this would perhaps be reserving from the People an opportunity of showing their sense of the conduct of their representatives, and no danger could accrue to the Sovereign in sending them back to their constituents, if the Regent should deem it wise or proper to embrace the measure, ~~especially~~ to a people whose loyalty had been so conspicuously manifested by the general and heartfelt sorrow ~~expressed~~ throughout the kingdom, in consequence of His Majesty's melancholy situation and illness.

He now read the third resolution, which was ~~a restriction~~, preventing the Regent from allowing any grant, patent place, reversion, or annuity for life, excepting in particularly ~~un~~ voidable cases, such as to Judges, and others. As this resolution ran so much upon the principle of the preceding one, Mr. Chancellor Pitt said that it was unnecessary for him to go into farther explanation of it. The fourth resolution restrained the Regent from exercising any power over the personal property of the King. Mr. Pitt on this occasion observed that he scarcely thought it necessary to pass this resolution, as it was not probable that his Royal Highness should interfere with His Majesty's personal property in his life time; but as they were acting upon parliamentary principles, he thought it his duty to submit it to the Committee. The last resolution would be for entrusting the care of the Royal person, during His Majesty's illness, where of course all men would be unanimous in agreeing that the Royal person ought to be placed, in the guardianship of the Queen; and with this trust his intention was, to propose to put the whole of His Majesty's household under the authority of Her Majesty, investing her with full powers to dismiss and appoint, as she should think proper. Without being invested with this control, he imagined that the Queen could not discharge the important trust committed

committed to her care. He spoke of the officers of high rank in the household, who, though their places might justly draw forth the ambition of men of the first rank and family in the kingdom, **were** nevertheless only the first menial servants of His Majesty, and actually necessary to direct and superintend the greater part of His Majesty's household. He stated that these officers, such as the Master of the Horse, Lord Chamberlain, Lord Steward, and others, **were**, by many, thought high officers of State; but, the fact was otherwise; they **were** the menial servants of the Crown, and essential to its dignity and splendor. He argued against new modelling the Royal household, under the present circumstances, and spoke of the anxiety and pain which he conceived that it must give His Majesty, to find all those whom he had chosen to be about his Royal person discharged. Possibly, His Majesty's illness might continue but a few months, perhaps a few weeks; but, in such a situation, would it, he asked, be delicate and respectful to make a change? Those **who were** Lords of the Bedchamber, he admitted, did no great duty at present, but the Equerries were employed. He owned, that this part of the arrangement was a matter of some difficulty; but when he considered what His Majesty **would** feel, when he waked from his trance of reason, and asked for those attendants, and was told, that his subjects had taken advantage of his momentary absence of mind, and changed them, he flattered himself that no gentleman would object to such a mark of attention being paid to His Majesty. The Regent, indeed, was different from the King; but, at the same time, the Regent ought to have a retinue adequate to the importance and the high rank of his station; and he meant to propose that he should have such a retinue, which would unquestionably be some increase of expence to the country; but, as it was unavoidably necessary to appoint a Regent, it was equally necessary to maintain the dignity of the character, and gentlemen would not, he conceived, grudge a little expence on such an occasion. He recurred again to the power to be lodged in the hands of the Queen, and urged the necessity of considering the rank of the King, the rank of the Prince of Wales, and the rank of the Queen, **who was** consort of the Sovereign, and mother of the Regent. It was not to be supposed, therefore, that the influence arising from the patronage holden by the Queen, would operate to the detriment of the Regent's Government; and, surely, to conceive as much, would be equally indecent and improper.

Mr. Pitt now moved, "That it is the opinion of this Committee, that, for the purpose of providing for the exercise of the King's Royal authority, during the continu-

"nuance of His Majesty's illness, in such manner, and to such extent, as the present circumstances of the urgent concerns of the Nation appear to require; it is expedient that His Royal Highness the Prince of Wales, being resident within the realm, shall be empowered to exercise and administer the Royal authority, according to the laws and constitution of Great Britain, in the name and on the behalf of His Majesty, under the style and title of Regent of the Kingdom, and to use, execute, and perform, in the name, and on the behalf of His Majesty, all authorities, prerogatives, acts of Government, and administration of the same, which belong to the King of this realm, to use, execute, and perform, according to the law thereof, subject to such limitations and exceptions as shall be provided."

The clerk read all the resolutions; and when he came to the last, which stated that Her Majesty was to have a council,

Mr. Chancellor Pitt rose, and said that he had ~~not~~ given fully into an explanation of the last resolution, ~~because~~, although he had considered it as his duty to state it to the Committee, he meant it to be considered as a separate and distinct object, and so be, at a fit opportunity, debated and discussed. He would farther beg leave to remark, that it occurred to him, that in cases of difficulty and embarrasment, on a subject of so delicate a nature, it might prove comfort to Her Majesty's mind to have a council to consult, but it was intended to make it merely a council of advice.

The Chairman then read the first motion.

Mr. Powys declared, that he could not avoid ~~considering~~ the whole system opened by the right honourable gentleman, as a monstrous fabric, tending to mutilate and dismember the constitutional authority of the Crown. When the Committee of Inquiry, of which he was an unworthy Member, first sat, he knew all which was necessary for him to know of His Majesty's situation; he knew that he was incapable of meeting his Parliament, or attending to public business; and that, lamentable as his situation proved, it was nevertheless accompanied with the hope of his probable recovery, but the time of that recovery was declared to be uncertain. What was then the next proceeding? They had voted a Resolution, that it was their duty to preserve the Royal authority whole and entire. What were they now called upon to perform? To dissolve, separate, and parcel out that Royal authority, which they had solemnly resolved to preserve whole and entire. What was the constitutional authority of the Crown? He took it to be an assemblage of all the duties of the Kingly office defined by statute. When,

and

and to which of the three Estates was assigned the power of bestowing honours? To the Crown; and that power of the Crown was derived from the same source, from which that House derived its power. It was an integral part of the power of the People; and, in the very moment of their taking from the Crown the power of bestowing honours, the Constitution ceased to continue that which was framed by our ancestors. He had been informed, that the political character of the King was entire. Gracious Heaven! was not the political character of the Crown entire! Was it necessary that Government should be new modelled? Were the Regal rights inherent in the person of the King, or were they annexed to the office? He had heard, in another place, that there was an infirmity in human nature which naturally attached itself to power; and the person who made this observation, doubtless, felt an entire conviction of its truth; ~~but~~, was that infirmity confined to Princes? Was there any thing in the conduct of the Heir Apparent which warranted ~~the~~ suspicion of his labouring under such an infirmity? Those ~~who~~ harboured a suspicion, were bound to prove it. Had he ~~acted~~ improperly during his father's illness? Had he ever attempted, by intrigues or cabal, to wrest the sceptre from the ~~hand~~ of his father? Had he been guilty of high treason? It ~~was~~ not consistent with the liberality of the right honourable Gentleman (Mr. Pitt) to judge of a man's conduct, in a situation in which he had never been placed. The right honourable gentleman had said that there might be bad advisers of the Regent. Might there not be bad advisers of the Queen? This country would look at their actions with ~~peculiar~~ jealousy. The right honourable gentleman had inferred, that the new Government would have able leaders. Let those who were without offence, cast the first stone! But, was there no energy left in that House to censure Ministers, and control their conduct? He flattered himself that they would still enjoy a full competence to grapple with all ill-advisers. In the resolutions, if there were any point plausible, and, at first sight, reasonable, it was in the third resolution, containing the restrictions against granting offices, patent places, and pensions; but all this proceeded on the mistaken notion that they were private property. That part of the prerogative, which was the property of the Crown, he always had considered, and should consider, as a part of the public revenue. Were none of the Royal household the political servants of the Crown? and had not the right honourable gentleman (Mr. Pitt) again and again declared, that the Regent should have the appointment of his political servants? Did the right honourable gentleman know how many Members of that House, and how many of the other House

House were on the establishment of the Royal household? And was this to secure to the King the safety of his crown against the ambition of the Regent and his ill advisers? Why would they vest one power in the Regent and not another? Did they suppose that the Regent would abuse it? Did they really feel that to be the case? Had they not some other object in view? There could be no argument for curtailing the prerogatives of the Regent, which would not apply to the exclusion of the Heir Apparent from the Regency. If that was the object, let gentlemen go to it explicitly and in a manly way, and not in the narrow, mysterious, crooked, mischievous manner which they were pursuing! Mr. Powys read an extract from a political pamphlet in this part of his speech, which he thought applicable to his argument, and then called on the Committee not to set up that paralytical power which they were about to establish. He considered the resolution as likely to excite feuds and animosities not only in the kingdom, but in the Royal Family, and to array the mother against the son. Was that the way to add energy, to add vigour to the Government? He begged leave to remind the right honourable gentleman (Mr. Pitt) that he had formerly fought under his banners, and fought with success, when he conceived that, in order to preserve a distant branch of the Government, an attempt was made to introduce a fourth estate; and all this grounded upon a stab at the very vitals of the Constitution. He considered the present system to be equally destructive to the Constitution; and as he did not want to parcel out the prerogatives of the Crown, at the will of an individual, he would move an amendment. The right honourable gentleman was pleased to contend that he went by precedent; but the precedents which he had quoted told against him. Mr. Powys declared that he would establish himself upon precedent; upon the statutes themselves. The extent of power to be given now ought to be the same as that given in former statutes; and therefore he should beg leave to trouble the House with the words of those statutes. Mr. Powys accordingly referred to the statutes, and moved his amendment in these words: To leave out from "illness," in order to insert, "And preserving the Constitution of Great Britain undisturbed, and the dignity and lustre of the Crown unimpaired, His Royal Highness the Prince of Wales be appointed, during the present indisposition of His Majesty, and no longer, in the name of the King, and in his stead, to exercise and administer, according to the laws and constitution of Great Britain, the Regal power and government, under the style and title of Regent of the Kingdom, and to use, execute, and perform all prerogatives, authorities, and acts of Government,

“ ment, which might have been lawfully used, executed, and performed, by the Regent and Council of Regency, constituted and appointed by an act of the 5th of His present Majesty, cap. 27.”

Lord North observed, that it might appear disrespectful; Ld North, it certainly was not pleasant, and was rather unusual, for any Member of that House to rise, with beginning to complain of any resolutions, which had, on a former day, received the sanction of the House; and yet, on the present occasion, he felt a renewal of those apprehensions which he had stated himself to labour under, when, instead of proceeding to perform that single act of duty which the necessity of the case alone required at their hands, they had taken a course at once novel and dangerous, by establishing a precedent unknown before, of appointing a shadow, a fiction of law, instead of a real, useful, and rational representative of the third estate. Did it become them, as Members of the House of Commons, in a moment like that, when the Royal ~~negative~~, which the Constitution had invested in His Majesty, was suspended, to avail themselves of the temporary incapacity of the King, and to attack all the authorities of the Crown, while it remained without a shield. When he ~~talked~~ of the Crown, and of the King, he meant to speak of both in that sense, and in that character, which the honourable gentleman who spoke before him (Mr. Powys) had distinctly defined. The measures which they were now called upon to adopt, contradicted that wise maxim of the Constitution, that the King never dies. The King, in his individual and natural capacity, it was true, suffered a demise, but the political capacity of the Crown was, both by law and the constitution, always considered as whole and entire; and why was this maxim established, but for a plain and obvious reason—To guard against and prevent an interregnum of Imperial power. Ministers had contrived to produce that evil, which the Constitution had so wisely and so cautiously guarded against, and they had devised the means of the political death of the Crown. Let them ask themselves, what constituted the kingly office? It consisted of duties and functions on the one hand; and of rights and prerogatives on the other; yet, neither of them was granted to the King for his personal gratification and advantage, but wisely invested in the Crown, as the third estate, for the good and security of the whole. Separate these public duties and prerogatives, suspend some, and parcel out others, and there existed that fatal interregnum which the Constitution had forbidden. The right honourable gentleman (Mr. Pitt) had repeatedly told them, in the course of his speech, that *they were to expect that His Majesty's melancholy disorder would*

would prove but short, and that they were to consider themselves as providing for only a temporary suspension of the personal exercise of the Royal authority; but, let the Committee recollect, that, notwithstanding the long and repeated examinations which His Majesty's physicians had undergone; notwithstanding that those examinations had obviously been governed by the general and anxious wishes of the Committee, that they might learn when they might expect the happy moment of His Majesty's restoration to the full exercise of his authority, it had not been in the power of any one consulted, to give an idea of the probable time when His Majesty's recovery would take place. The right honourable gentleman himself had admitted, that unless His Majesty's recovery did take place, the resolutions which he had proposed would not be proper. Undoubtedly they would not. If it were but for a moment, every man, who was a friend to the Constitution, must submit to such resolutions with regret, because they went immediately to affect the fundamental principles of the Constitution. But, if it were admitted, that the resolutions would not be proper, in case that His Majesty's recovery did not take place, he must beg leave to deny that they were proper at all, under any circumstances, or in any possible case whatsoever. Nor were they, in his mind, more necessary than they were proper. They were in themselves pernicious, and must necessarily lead to the utmost confusion. The House had resolved that it was their right and duty to provide the means of supplying the defect in the personal exercise of the Royal authority. What could that signify more than that they were to provide for the interval of His Majesty's illness, by not suffering any advantage to be taken, to despoil the Crown of its just and constitutional rights? It was their duty to take care, that when His Majesty should be capable of re-assuming the Royal functions, he should find them in as good a state as he left them in; undiminished in all particulars whatsoever. Would any man venture to contend, that this would prove the case, if the resolutions which the right honourable gentleman had proposed, should be adopted by the Committee? Indisputably it would not, because the object of the resolutions was to appoint a person to the Regal office, and to separate from that office the Royal authority.

Upon this occasion, he must beg leave to ask, what was the nature and extent of the limitations and restrictions specified in those resolutions, containing the detail of the general idea stated in the preliminary resolution then under the consideration of the Committee? By the first of these resolutions, the Regent was to be restrained from making Peers: a new and an unconstitutional limitation of the Royal authority.

hori^ty ! The right honourable gentleman had relied much on precedents and their analogy, when he had persuaded the House that it was necessary to declare it to be their right to provide for supplying the deficiency occasioned by the suspension of the Royal authority. Could the right honourable gentleman produce any precedent, which, by the most distant analogy, or the most forced construction, might be brought to countenance the restraining the Regent from making Peers ? For his own part, he knew of no moment in which such a power had lain dormant in this country. The right honourable gentleman had affirmed that this power could not be necessary to the Regent. The King possessed this power, because it was necessary, and the right honourable gentleman had described it as the inherent right of the Crown. It was, nevertheless, a public right, and not a personal individual right. It belonged to the kingly office as one of the Royal prerogatives, all of which were supposed to be necessary to the support of Government, and the good of the people governed. If the power of making Peers was necessary to a King, why was it not necessary in a Regent ? In Kings this power had been considered as the fountain of honour, and had been exercised often to the general satisfaction of the People as the reward of merit, and the incentive to public virtue. Why then should it be denied the Regent ? His Majesty's ill health, and the uncertainty of his recovery, would of themselves make the government of a Regent more precarious, more instable, than that of the Crown, which, from its nature, was permanent, and consequently more firm, more vigorous, and more effectual. Because, then, the government of a Regent was naturally and unavoidably weaker than the government of a King ; was it to be made weaker still, by the imposition of unnecessary limitations and restrictions, tending to cramp, to embarrass, and enfeeble its powers and authority ? The right honourable gentleman had prophesied that a time might come, when it would probably be necessary to reconsider the business ; and then, if His Majesty's recovery did not take place, they might remove the restrictions now imposed on the Regent, and either lessen the limitations, or take them away altogether. That Parliament could revise, explain, and amend its own acts, was a truth by no means new to that House ; but, why should the House create a necessity for such revision, explanation, and amendment, when the creation of it would establish a dangerous precedent, and the avoiding it could lead to no sort of difficulty or inconvenience ? The last Peerage Bill which fell under discussion, was in the reign of George the First ; at which time there were many men who deserved well of their country, and were fairly entitled to any ho-

nours in the power of the Crown to bestow; but George the First was then old and infirm; the Ministry, though a powerful party, composed of men of high character, great abilities, and great authority in the country, were imagined not to be much in the good graces of the Prince of Wales, the Heir Apparent to the throne. They had reason to expect, therefore, that when the Prince of Wales came to the Crown, he would create so many new Peers, that their party would be outnumbered in the House of Lords; and thus they should be shut out from a reasonable chance of returning to power, in case it should, on the accession of the new King, be taken out of their hands. With a view to avert this evil, they proposed to limit the Peers to be created in future, and to restrain the Crown from enabling more than a certain number of Commoners, from time to time. Lord North added, that he did not mean to assert that these motives were the true motives, but they were those attributed to the Ministry at the time. The bill in question was so clearly calculated to increase the importance of the Peerage, that it was greedily grasped at by the Lords of all parties, although they plainly saw the object for which it had been introduced. The Peers in opposition overlooked the political distinctions of the times, and were glad to lose sight of party in the promotion of a measure, the necessary end and effect of which must have been the exaltation of their own rank and authority in the constitution. The Lords said; " This Bill may grow out of the secret policy of Ministers; " it may be a job for *them*; but, it is so plainly a job for " *us*, that it is our interest to promote and embrace it," and thence the Marquis of Buckingham, at that time in opposition, gladly undertook to introduce the bill, and gave it all the support of his influence and abilities. It was carried, in consequence, by a high hand in the House of Lords; but when the bill came down to the House of Commons, it met with a different reception. The House felt the insult to themselves, and spurned at a bill of which the manifest tendency was to set the other House above its balance in the constitution. The bill had been rejected in that House by a majority of 269; a number which (Lord North alluding to an incident of his political life, observed) could not easily become erased from his remembrance. The House of Commons of that day considered the bill as an Aristocratic measure, and they rejected it with indignation. In the present case it might be ten, it might be fifteen years (no person could determine the length of time) before the Regency would be replaced by the government of a King. It therefore behoved the House to proceed with the utmost circumspection. Were they *sure*, that when it should be thought necessary to take away this restriction, amongst others, such a procedure would be

the ready concurrence of the other House? That he could not engage in any act legislatively without the concurrence of the House of Lords; and when the time should come, that the House might find it proper to take the restriction in question, and to declare that they thought it no longer necessary, the House of Lords might bly answer: "We beg your pardon, we think it is. We are too wise to part with what you were so unwise as to withhold. We will not submit to be governed by the *principles* of the House of Commons; we are aware of your precious and changeable temper, but we do not move *bitrio popularis auræ*. You once thought these restrictions necessary; we think them necessary still; we are aware of the value of what we have obtained, and it rests with us to judge, when it will be most fit to return it." Gentlemen, therefore, seriously consider of the future *malitia* which they might create by abridging the Royal Prerogative in so essential a particular, and if they were determined to impose restrictions on the Regent, let them at least limit its duration, and put it out of the power of the other House to continue it in force, after the time, when it might no longer necessary to remain. Perhaps it might be expedient to date the existence of the restriction from the 6th of January, and limit its duration to any future day, to which the wisdom of the Committee might seem proper. As to the third proposition for preventing the Regent from creating patent places, and offices for life, in reversion, I must oppose it in the terms in which the right honourable gentleman had conceived it. These sort of places, like honour of Peerage, were the proper rewards of merit, and as the Regent, generally speaking, ought not to be restrained from granting. If any number of offices, which, at the first of November, were only offices holden during pleasure, should, by the Regent, be converted into offices for life, or in reversion, he would admit that such a power is not to be exercised, because it would prove a great usurpation of the power of the Crown, which should be saved from falling into a worse state than it experienced when His Majesty's illness commenced, and no principle can establish that without contradicting the Constitution. No man could say that the same objection might not be applied to the power of making Peers, because, if the Regent were allowed to exercise that Prerogative, it would not in the smallest degree diminish the power of His Majesty to use the same authority, when capable of re-assuming the reins of Government. As to the fourth Resolution, if understood it rightly, it went only to restrain the Regent from interfering with such acquisitions of wealth or estate, as savings, or by any other means His Majesty might

have made personally, since his accession to the Throne. With regard to those, undoubtedly, the Regent ought not to meddle with them; but, the real property of the Crown was, in his consideration, the property of the Public lodged in the hands of the King for the public benefit. All property of the other description His Majesty might devise and dispose of by will, in like manner as any private gentleman could dispose of his unentailed private fortune. Most undoubtedly the last resolution was well worthy a serious and deliberate discussion, because it went to the disposal of a number of places in His Majesty's household, amounting to a vast deal of money out of the Civil List. For the disposal of places of this description to be submitted to the trust of any other person than the King himself, or the immediate representative of the Crown, or for the exercise of so great a power deducible out of the Civil-List revenues to be separated from the other regal authorities, appeared to him to be an unconstitutional, an unprecedented, and a monstrous proposition. The right honourable gentleman had remarked that a great part of the expences of His Majesty's household was under the pay or control of the Master of the Horse, the Lord Chamberlain, and the Lord Steward, and that, therefore, their remaining undisturbed in office was actually necessary to the regularity of the Royal household during the continuance of His Majesty's illness, and that His Majesty's feelings might be much hurt, when, upon his recovery, he should find, that, during his unfortunate infirmity, his subjects had changed his household, and removed his domestics. For his part, Lord North added, he did not wish to deprive His Majesty of his property, nor of his domestics; but, could no other way be devised, by which proper attention might be paid to the King, without this vast patronage being vested in any other hands than those of the Regent? The right honourable gentleman had declared that he found it a difficult thing to settle the interior of His Majesty's household, without giving the control of it to the high and respectable character, to whom the care of the Royal Person was undoubtedly, in his opinion, to be entrusted; and yet the right honourable gentleman had found a way for the two Houses of Parliament to pass a law without the King, or a third Estate; and that he must take leave to say was a much more difficult point to carry into effect. The right honourable gentleman had also proposed to make a Regent, and to expect from him the duty and responsibility of a King, while he withheld from him the unrestrained exercise of the Royal authority. Was it possible then for the right honourable gentleman to feel any embarrassment in the disposal of the Grooms of the Bedchamber? This reminded him

extraordinary powers of an extraordinary order of s, of whom they had all heard when they were young. Luded to witches, and the potent faculties with which were considered as endued. They were supposed to be le of riding through the air on broomsticks, of blast- ie most fertile fields, of destroying corn and cattle, f persecuting their enemies, and killing people at a ce by a thousand ways, and yet great and preternatural power of these witches was pretended to be, he had told, when a boy, that all their efforts were vain, and er arts defeated, by the simple circumstance of two s being put across each other. Do this, and the power : witch was at an end. Could not, therefore, the right urable gentleman get over his difficulty? Could he pass without a third Estate? Could he go in a pageant, and : it with the Royal authority? Could he appoint a Re- and despoil him of Regal power? Could he make a and no King, and yet was the provision for dispensing the patronage of appointing the Grooms of the Bedcham- arduous, and so insurmountable, that his invention, his r, his ingenuity, all left him, and he was forced to con- imself incapable? Yet, surely, if the right honoura- gentleman would deem it worthy his endeavours, he t easily surmount this lesser difficulty, after having superior to others, which, in his humble opinion, ap- d to have been infinitely more formidable. The right urable gentleman had told them, that the Lords of the hamber were formerly intimately connected with the or of the King's household, and in the strict sense of rds, domestics of the Sovereign. This might have the case in George the Second's time; but, they all , that, of late years, the Lords of the Bedchamber een otherwise employed. They, as well as the higher hold officers, were the political servants of the Crown, ppointed for the domestic comfort of the Sovereign, or his public pomp, and annexed to his retinue as a of the pageantry of the Crown. The right honoura- gentleman had assured them, that the patronage to be holden from the Regent under this Resolution would e abused, and had desired that his profession, that he d not take part in any factious opposition to the go- ment of the Regency, might be considered as the test of ture conduct. That the exalted Personage, in whose : this enormous patronage was to be nominally lodged, d not abuse it, Lord North declared, that he was wil- o believe; but, when he considered, that there was to Council to advise Her Majesty, he was not quite sure he advice given would always be pure and free from

the influence of a spirit of factious opposition. For his own part, he did not possess that nice gift of sight by which he could tell at the first view of a person's countenance the sincerity of his intentions; but, though he had lost his sight, he had not lost his sense of hearing. He had heard the right honourable gentleman's profession of what he desired to be considered as the test of his future conduct; but, the Committee well knew that it was not parliamentary to rely on the professions of an individual; but, that when a great public measure was under consideration, they ought to govern themselves by public principles, and not by personal confidence.

Undoubtedly it was reprehensible to withhold so great a part of the prerogative of the Crown from the person who was the best entitled to expect to be entrusted with the exercise of the Royal Authority during the incapacity of the Sovereign. The right honourable gentleman had denied, that there existed a right in the Heir Apparent to assume the exercise of the Royal Authority; but, they had all heard, that it was admitted to be such an irresistible claim, as could not be rejected without injustice and without violence. What was it then to which his Royal Highness had such an irresistible claim, that he could not be deprived of but for reasons strong enough to justify a bill of exclusion? It could be no new Constitution; it was a claim, he supposed, to something which had existed before. It was not a right to sustain a burthen, to submit to the performance of all the duties, without enjoying all the prerogatives of a King. No restrictions ought, therefore, to be imposed on the Regent; but if any restrictions were adopted, they ought to be dated from the 16th of January, and confined to a limited duration. He conjured the Committee to have recourse to their constitutional ideas, and if, during the temporary suspension of the King's personal capacity to exercise the Royal Authority, it was their duty to provide for that defect in the Constitution, let them be governed by the necessity of the case, and not exceed its limits. Let them provide, that the People should have a good government: and having proceeded thus far, they would enjoy the consciousness of executing the whole of what they owed to themselves, to the People, and to so good a Sovereign as His Majesty: but, to venture farther would prove a most dangerous experiment. During the continuance of that melancholy malady with which the King was afflicted, and the bare recollection of which made every man's heart bleed, the People had a right to expect that they should be well governed. Let it not be said, then, for fear the Regent should change a Ministry, they were willing to change the Constitution.

ion. Let them not be captivated with every light and tactical scheme of political speculators, but adhere to what they knew from experience to be solid and secure. If they spurned the project suggested by the right honourable gentleman, they would act contrary to the practice of their ancestors, and contrary to the principles of the Constitution. There was no institution of their ancestors, which might not be changed on the suggestion of wanton caprice and fancy, if they once gave way upon so great a point. If they were prevailed on, there was nothing safe, since, in the same principle that they were now called upon to sacrifice for what had been for above a century, found agreeable to the wishes and taste of the People, they might be led to alter every institution, the most useful and the most salutary. Let them learn to dread the change of their institution, from the mischiefs which had followed in consequence of such a circumstance in other countries. Spain sold the loss of her Constitution to the complaisance of *Cortes*. Had not their fatal pliability taken place, Spain would have remained free. The foundation was also laid for the ruin of the liberties of Rome by innovating upon her Constitution. They all knew that Rome owed her liberty and greatness to being under the government of persons annually elected to office, and her victories to short commands. When war was made, or peace proclaimed, in the best times of the Commonwealth, it was done by the Consul or Pro-Consul, who headed the Roman armies, and conducted them to the field; but, when great men came in opposition, they did all themselves; thus, when Sertorius was in rebellion against the Republic in Spain, and Mithridates was in Asia, the Mediterranean infested with pirates, Rome threatened with a scarcity of corn, Lucullus was killed, and Pompey invested with the command, and with the conduct of the war. During that period, Pompey was in all with the Roman people; and Pompey, it was true, having reduced Sertorius, reduced Mithridates, scattered the pirates, and brought grain to Rome; but, by the Commonwealth's departure from the established principles of the Roman constitution, the constitution of Rome was undermined. Short commands were abolished, Cæsar was put at the head of the provinces for five years, and his commands was prolonged for five years more. Cæsar was, undoubtedly, a Genius; but this relaxation of the laws in his favour, and similar acts of complaisance to other great men, put an end to the liberties of the Republic, and threw Rome under the dominion of a master. Lord North concluded with the Americans, that he should tremble for his country if the resolutions were adopted; that if the House thought that *advantage could repay the violation of the Constitution*, and

and acted upon that principle, *that* principle would prove their ruin; that he should not himself probably live to see the fatal effects which might follow, but his posterity would, and there were gentlemen, who sat there, that might one day repent, in the bitterness of affliction, the wreck of public freedom, and curse the hour in which they had suffered the bulwark of the Constitution to be assaulted with such illegal violence.

Lord Belgrave contended, that vesting all the Royal prerogatives in the Regent, would be to trust too much power in one person's hands, during the life-time of the sovereign. With respect to the Report then upon the table, and the competition which had been set up between the skill of Dr. Warren and Dr. Willis, he would not follow the example of others, *et cœurs/*, and say, that Dr. Warren was an improper or a dangerous man, to be about His Majesty, because he thought Dr. Willis was not an improper or a dangerous person to be so employed. He would not take upon him to decide upon the comparative merits of the physicians: but, he was persuaded, that if any unprejudiced man were carefully to peruse the Report, he would pronounce the result of it to be, that the probability of His Majesty's recovery was declared to be increased since the preceding examination of the physicians who attended him. It was needless for him to observe that the Queen was universally beloved and adored, and that the whole of her conduct during His Majesty's illness, had been so exemplarily tender and affectionate, that it must increase the veneration and regard which all ranks of people entertained for so excellent a personage. The political integrity of the King's character he should conceive that all were ready to admit; and if that were taken away, or considered as suspended, the constitution would be highly endangered. Unexceptionable was the propriety of securing the rights of the Crown, and not trusting them to the hazard of events. For his own part, he entertained the most sincere esteem for the Prince of Wales, and could unfeignedly declare, that he had an implicit confidence in the virtues of his Royal Highness; but, in a case like the present, when they were establishing a precedent, and providing an example, as it were, for posterity, they could not proceed with too much caution. There might hereafter exist an Heir Apparent, who, equally deaf to the ties of nature, and regardless of the interests of the people, might commit himself with a desperate faction, and forgetting what was due to his own character, and his exalted station, afford the nation a melancholy prospect of what they were to expect after his entrance into power. Heaven forbid! that such an Heir Apparent should exist; but as the transactions of the times would doubtless form an important era in our history, it was their duty to guard against the possible danger of the Regent being sur-

rounded by ill-advisers, and his mind warped by the counsels of an ~~new~~ incipled faction, who had once already made a violent attack on the constitution of their country. In conclusion, Lord Belgrave observed that when the just and lawful prerogatives of the Crown were in danger, his right honourable friend (Mr. Pitt) had manfully stood forth to defend them ; and on the recent occasion of the personal exercise of the Royal Authority being suspended, when the liberties of the people were threatened by a declaration of a right in the Heir Apparent to assume the exercise of the Royal Authority (a right which they had resolved could exist constitutionally only in the person to whom that and the other House of Parliament should delegate it) his right honourable friend had with equal spirit denied the existence of the right asserted to exist in the Heir Apparent, and after putting the assertion and denial at issue, had obtained a parliamentary declaration in favour of the people. After a quotation from the orations of Demosthenes, Lord Belgrave declared that he should vote for the resolutions.

Mr. Sheridan remarked, that not designing to copy the example of the noble Lord, he should neither congratulate the ^{Mr. She-ridan.} majority, nor condole with the minority, on any former vote of that House, which the noble Lord had extolled as an act of spirit. If the assertion were true, and the fact was, that the vote to which the House had last come had been an act of spirit, he hoped that they would now proceed to an act of justice. He declared, that he meant not, like the noble Lord, to treat the House with a quoation, whether taken from any Greek, Roman, or English writer ; neither did he design to shew his partiality to his friends, by any elaborate encomium on their merits. The noble Lord, however, had misapplied the line which he had quoted from Demosthenes, who had meant to reproach the Athenians, for wasting that time, which they should have spent in effectually oppotting their enemy, in fruitless inquiries and examinations of physicians, from the wish of learning an unfavourable opinion of his health. He hoped that this was not a very applicable case on the present occasion, and that the inquiries had not been carried on with that view. He would not, he said, go much at large into the Report then upon the table, though he could not pass by the representations which the right honourable gentleman had made of the answers and opinions of the physicians. The right honourable gentleman had contended, that the physicians all agreed that His Majesty's cure was probable ; that he was better, and that there were more or less signs of his recovery. That, he positively denied ; the right honourable gentleman had not quoted the Report, and he would not do it ; but he asserted that the physicians did not all of them state

that there were signs of His Majesty's recovery. Dr. Willis, indeed, did state it, and there was something of the same sort advanced by Sir Lucas Pepys, but the other physicians affirmed the express contrary to be their opinion. Mr. Sheridan took notice of the manner in which Mr. Chancellor Pitt had spoken of Dr. Warren, and charged him with having indirectly endeavoured to attack Dr. Warren's character; the noble Lord who spoke last, had also, he said, followed the right honourable gentleman's example, and in a way peculiarly injurious, ventured upon insinuations, to the prejudice of Dr. Warren. On occasions like the present, Mr. Sheridan added, it was ridiculous to stand upon idle ceremonies, and trifling etiquettes; he would speak out, and say, that if there was a witness who appeared to give prevaricating and evasive answers, that witness was Dr. Willis. In order to see whether he was right or wrong in this assertion, let gentlemen look fairly to the Reports, and then decide. The right honourable gentleman, when talking of the endeavours to puzzle and mislead Dr. Willis, and perplex the simplicity and plainness of his nature, had looked towards him as if he meant to allude to his cross examination of that physician, in the Committee above stairs. He knew not that it was either parliamentary or proper to make what passed in Select Committees above stairs, the subject of allusion in that House; but, if the minutes of the Committee were before the House, they would see that he had cross examined Dr. Willis, with a view to put his credibility to the test, in consequence of a learned friend of the right honourable gentleman, then in his place, having cross examined Dr. Warren, expressly, as he had himself declared, for the purpose of impeaching Dr. Warren's credibility, adverting to what he mentioned as the different answers given by Dr. Willis at different times, he charged them with various contradictions. When he heard Dr. Willis at one time asserting, that the accounts sent to St. James's did not convey a true state of His Majesty's health, but were considered by him as prescriptions for the Public to swallow, and when, at another, he heard him admit them to the statements of facts, and found, from the examination of the other physicians, that no such conversation had passed, as Dr. Willis had stated to have passed, was he not necessarily staggered, and inclined to think Dr. Willis a loose and random speaker? When he heard Dr. Willis attribute His Majesty's illness to seven-and-twenty years of extreme study, abstinence, and labour, and declare that His Majesty was recovering, assigning as a reason, that the physic which he had that day given him, had produced the desired effect, what must he think of Dr. Willis, when he heard him assert, that his physic could in one day overcome the effects of seven-and-twenty years hard exertion?

city, seven-and-twenty years study, and seven-and-twenty years abstinence, it was impossible for him to maintain that gravity which the subject demanded. Such assertions reminded him of those nostrums, which were to cure this and that malady; and also, disappointments in love, and long sea voyages. He did not (Mr. Sheridan said) impute Dr. Willis's answers to any intention to deceive, but when he heard him roundly declare what every other of His Majesty's physicians pronounced it impossible to speak to, he must assert, that Dr. Willis was a very hasty decider, and a random speaker. Mr. Sheridan now observed, that he must beg leave to investigate the other parts of the right honourable gentleman's speech, and declare that he did not wonder that in speaking of one person, whom the right honourable gentleman had thought fit to introduce, he chose to appeal to the feelings, rather than to the judgement of the House. The manner in which the right honourable gentleman had mentioned Her Majesty, appeared to him to be with a design to challenge and provoke a discussion of the conduct of the Queen; but he trusted, that whatever had been the right honourable gentleman's motive, it would prove totally unsuccessful. The dutiful conduct, and domestic virtues of that Royal person, never had been called in question; and, therefore, he hoped that they should avoid the discussion, as a matter equally unnecessary and indecent; and when the right honourable gentleman talked of delicacy on the subject, he wished him to reflect on his own conduct in the Committee. Those who would give responsibility to the Queen, those who would take her out of that private and domestic station, in which she had conducted herself so amiably and irreproachably, were the persons who manifested a want of delicacy, and a want of attention to the character and comfort of the Royal person in question. With regard to the feeble preference to the Prince's claim, which the right honourable gentleman had admitted, it appeared from the right honourable gentleman's conduct, as if his concurrence with it was extorted from him by the opinion of the public. The plain question was, what were the motives which induced the right honourable gentleman to refuse the full powers of the Crown to the person who was to act as its representative? What, but an intention to tie up the hands of Ministers, at a time when they would stand the most in need of unrestrained authority. It would not, he believed, be denied, that a government by a Regent must necessarily prove more weak than a government carried on by the Crown itself, and that consequently it required every possible degree of additional aid and assistance; but by the line proposed it was signified to all foreign powers, that they were divided among themselves,

and that there did not exist that high
and unanimity so necessary to exist at that crisis. The right
honourable gentleman had referred to precedents in support
of his arguments of that day, but the whole line of precedent
which he meant to follow, made directly against the inference
which it was his design to draw from it. By the mode
which the right honourable gentleman had adopted, the balance
of the Crown was destroyed, and as far as the balance
of the constitution was concerned, that was destroyed also.
Did the Regency bills referred to by the right honourable
gentleman proceed upon the supposition that the minor could
never be of age? Most certainly they did not; nor were the
powers of the prerogative withheld. They were all given,
not into the hands of one person indeed, but into the hands
of many. Mr. Sheridan stated, that at that time (in the
reign of George the Second) the Prince of Wales was thirteen,
and he was by the Regency Bill declared to be of full
age at eighteen, and the King was then alive, and in good
health. He reasoned upon these facts, to shew that the ut-
most time the Prince could in that case have been a minor,
was five years, and that the probability was, that he would
have remained so, when he came to the Crown, more than
two or three years. Towards the latter end of the right
honourable gentleman's speech, the true motive of the right
honourable gentleman's conduct had manifested itself; he
had on a former day adverted to it, but not upon that day
except in the part of his speech to which he then alluded;
and that was his belief, that the Regent would change the
administration, and that the Government would fall into the
hands of those, whom the right honourable gentleman had
dared to assert, had been convicted of a confederacy to over-
turn the constitution. That was the real spring of all the
right honourable gentleman's measures, respecting the Re-
gency. Had intentions been entertained of keeping the
present Ministers, the limitations, he verily believed, would
never have been heard of. The whole of the right honour-
able gentleman's conduct was confessedly governed by party
considerations, and by the impulse of his own personal ani-
tion. The right honourable gentleman talked of the evil
advisers whom the Regent might possibly have about him;
but was there in fact any real cause to dread such a circum-
stance? If that were the case, might he not ask, with the hon-
ourable gentleman near him, (Mr. Powys) was there not
vigour enough left in that House to crush any attempts of
abuse of authority, to call bad Ministers to a severe account,
and to address the Regent to remove them from his councils?
The right honourable gentleman had more than once warmly
attacked that side of the House, as com-
mencing a policy

arty. As for himself, (Mr. Sheridan added) he made it a point to declare, that he thought it the glory and honour of his life to belong to that party. He well knew the character of that party, knew that it was an honour which any man might covet. Was it a disgrace to have been formed under the Marquis of Rockingham, and under his banners to have combated on behalf of the people with success? Was it a disgrace to be connected with the Duke of Blandford, a man who, swayed by no mean motives of interest, nor indeed by any ambitious designs to grasp at power, nor with regard to any other purpose than the welfare of the country, dedicated his mornings unremittingly to the promotion of public good? Mr. Sheridan remarked, that he could advert to his right honourable friend (Mr. Fox) without declaring that it was the characteristic distinction of his heart to compel the most submissive devotion of mind and affection from all those who came under his observation, and force them by the most powerful and amiable of influences, to become the inseparable associates of his friends. With respect to his talents, he would not speak of them; they would derive no support from any man's attention, nor from the most sanguine panegyric of the most enlightened of his friends. This much he could only observe, with regard to the abilities of his right honourable friend, that it was the utmost effort of another man's talents, and the best proof of their existence, that he was able to understand the extent, and comprehend the superiority, of those of his right honourable friend. At what the pride and honour of his life to enjoy the happiness and honour of his friendship; and he desired to be told whether the Duke of Blandford and Mr. Fox, were the less worthy of the confidence of their country, or more unfit to become Ministers, than an arrogant individual chose presumptuously to load with calumny. Were he an independent man, standing by himself from party, and wholly unconnected with it, he could with patience hear the right honourable gentleman's impudent language; but as a party man, boasting himself to be now and then the right honourable gentleman, imagine that he did receive his reflections, but with that scorn and disdain with which he became a man conscious of the worth and value of the man with whom he was connected? How could he leave to tell the right honourable gentleman thereafter this confession, whom he had so grossly calumniated, had among them of their iniquitous proceedings, passed their India Bill, after they had formed their coalition that right honourable gentleman was ready enough to have joined their party; and a treaty, as the Houswell knew, had then been set on foot, but the negociation was not then concluded.

honourable gentleman over the way; like i more crafty g, he had collected his materials with greater caution, worked them up with abundantly more zt. Perhaps taken the advice of the noble Duke, famous for fortion, and with the aid of that able engineer, had pro- a corps of Koyal military artificers, and thrown up egnable ramparts to secure himself and his garrison. this occasion, the King's arms doubtless might be seen as a banner on the top of this fortress, and powerful, d, must prove the effect of the right honourable gen- man's thundering eloquence from without, and the sup- of the Royal artificers from within, against his politi- dversaries. Mr. Sheridan reprobated the person, who- it might be, that h. advised Her Majesty to lend her to such a proposition as that which was then made to Committee, and declared that were the one ground of cion of the bad advisers of the Regent to be taken away, right honourable gentleman could not be said to have used a single argument in support of his system. He ibed the power that the Ex-minister would derive from nning the patronage of the King's household, and con- ed, that the pretext, that His Majesty's feelings would be ked, when he recovered and found his household changed, ridiculous. The bad advisers of the Regent were to be red the power of making war, peace, treaties, and the cise of various other important authorities. To talk, more, of His Majesty's feelings, when he should recover ind his household changed, was to suppose that he would s shocked to learn, that the constitution of his country hanged, part of his dominions ceded to foreign potentates, other essiential and important calamities and disgraces led on his country, which was like a man, w.o having entrusted with the mansion house of a person, during ucapacity, to take care of, should suffer it to go to ruin, the winds of heaven to blow through almost every part , the enclosures to be broken down, the flocks of sheep e shorn, and exposed to the storms, and all left to ruin decay, except a few looking-glasses, and old worthless lumber, that were locked up in an old-fashioned draw- room. Mr. Sheridan represented the Ex-minister coming n to the Houfe in state, with the cap of liberty on the end white staff, a retinue of black and white sticks attending and an army of beef-eaters (whom the Master of the se, the Lord Steward, and Lord Chamberlain, were to be oyed in marshalling) to clear his way through the lob- He said, that he had lately heard much of the political city of a King, but had never heard that the political city of a Lord of the Bedchamber was so inseparably

connected with his body, as if former were extinct, the latter could not be found, when His Majesty should recover, his household officers. He observed, that Ministers were desirous of making it a condition with the Regent that they were to have no chain upon him, provided the red book remained as it stood at present; let the Court Kalendar continue unaltered, and the Prince of Wales might be Regent. Mr. Sheridan again adverted to what he styled the Minister's pretended regard for His Majesty's feelings, and asked the right honourable gentleman whether he thought His Majesty would not be hurt, when, upon his returning reason, he should know in what manner his sons, the Heir Apparent and the Duke of York, as well as the other Royal Dukes, had been treated by Ministers, during his illness, especially after the gracious declarations which they had all heard of in another place. He observed, that the right honourable gentleman had admitted the restrictions to be evils, and had discussed them chiefly on the grounds of expediency; he combated them on that ground, and declared that he fully admitted the doctrine of the lawyers, that the political capacity of the Monarch was whole and entire, but that he must contend they were acting in direct opposition to that principle, and to what had originally made it a principle in our Constitution. He said that he had no occasion to reason upon the question, it was enough to state his arguments; they were so evident, that they needed only to be heard to be admitted as if they had been proved. After a great variety of sarcasms, and shrewd observations, Mr. Sheridan concluded with declaring, that when it should be known by the Public, that the motive for such restrictions was no other than because the Prince was going to take into his service a different set of men from those now in office, they would despise and detest the cunning and the craft from whence so wretched a proceeding had originated.

The Speaker.

Mr. Grenville (the SPEAKER) rose next, and said: I have not hitherto troubled the House in any of the debates connected with this important subject. And certainly, if there were any common question, arising in the usual course of Government, or relating to the ordinary and accustomed business of Parliament, I should have felt, that under the circumstances of that situation to which the partiality of the House has so recently called me, it would have been proper for me, however decided my opinion might be, rather to content myself with giving a silent vote, in order to obtrude myself at this time upon the attention of the Committee.—But I could not avoid feeling, that the nature of the present discussion is widely different from those which I have had.

leaves from common occurrence, but from a situation painful and calamitous in itself, and which is rendered more melancholy from the circumstance of its being nearly unprecedented in the history of our country. It relates to no ordinary business, but to the exercise of the most important right vested in the British House of Commons, to the discharge of the most sacred trust that can be delegated even to the representatives of this great and free people. Our decision upon it, involves every consideration that is most interesting to our feelings as honest and conscientious men, the present happiness and good government of our country, the security for the continuance of these blessings to ourselves, and the preservation of the dearest rights and interests of our posterity. Under these circumstances, the more I have considered this subject, and the more the delays which have recently occurred, have given me an opportunity of revolving it over and over again, anxiously and fearfully in my mind, the more I am convinced that this is an occasion which calls for the avowal of every man's opinion: and that with respect to myself individually, the situation in which the House has done me the honour to place me, as it has not deprived me of the right, cannot therefore have discharged me from the duty of delivering my sentiments in this Committee, and upon this question.

I shall, therefore, not trouble you with any farther preface, but proceed to state the opinion which I entertain with respect to the resolutions now proposed, and to explain the principles from which that opinion is derived, and the argument on which it rests.

In all our deliberations on this subject, the first ground and foundation to be established is, the nature of our present situation; as it results from that calamity, from which alone the necessity of these proceedings has arisen. It is unnecessary for that purpose to recapitulate the particulars which have appeared in the course of our inquiries. The recital would, I am sure, be painful, not to my own feelings only, but also to the feelings of those to whom I speak. It is sufficient to say, that the result of those inquiries appears to have established three propositions. First, the actual inability of His Majesty to attend to the discharge of the several duties of his exalted station. Secondly, the probability of His Majesty's recovery; and thirdly, the hope that this event, to which we all look with earnest and anxious expectation, is near at hand, and that His Majesty's disorder may probably not be of long duration. The two first of these propositions are established by the direct and concurrent testimony given by all the physicians, as often as they have been examined. With respect to the third, we have, in

deed, no such direct evidence, because these gentlemen have felt a natural reluctance to commit their characters by any precise opinion on such a point. But they have stated to us facts, from which we are enabled to draw the same conclusion with respect to the third question, which they have themselves established, as resulting from similar premises with respect to the second. They have told us, that the greater number of persons afflicted with this malady have recovered, and that they conclude from thence, that the probability is in favour of His Majesty's recovery. They have also told us, that the greater number have recovered within a short period, and that there are no particular symptoms in His Majesty's case which indicate a longer continuance of his disorder. Applying, therefore, these facts, as stated by themselves, to their own mode of reasoning upon them, we are certainly warranted in drawing the same conclusion, that although the time of the recovery, as well as the recovery itself, is in the hands of God alone, yet, that as far as human experience has enabled us to judge, the duration of this calamity will probably not be extended to any distant period.

In this situation we have thought it necessary, in the first instance, to make an authentic and formal declaration of the circumstance of His Majesty's present inability to attend to public business. The next question which would naturally arise in the mind of every man, was this: whether any provision had been made by the laws of our country for the case of such inability; or if not, in whom, by the spirit and principles of the Constitution, the power was vested of providing for this new and unforeseen emergency? On this point, the wisdom of Parliament has also spoken. It is therefore unnecessary now to refer to any former discussions in which it may have been involved; and certainly no argument of mine can add weight to the joint resolutions of the Lords and Commons of Great Britain on such a question. But, in speaking for the first time upon this subject, I feel myself bound to declare, that I subscribe to those resolutions, not only with the submission which is due to an authoritative decision, but also with the most unqualified assent, with the most entire and perfect conviction. I conceive it to be among the first principles of the British Constitution, that no rights can be claimed or exercised as against the People, except those only which have been given by known and positive laws appearing on the face of our statute-book, approved by immemorial and uninterrupted usage; and that whatever power or authority has not been so conferred, still resides with the People at large, to be exercised by them.

through the channel of their lawful, full, and free representatives.

These preliminaries being thus established, the nature of our situation clearly ascertained, and our right and duty to provide for this occasion examined and asserted, with the general concurrence and approbation of our country, it now remains for us to enter upon the discharge of this great and important trust. There is, nevertheless, one question which may still arise, and which however it may appear to be precluded by the resolutions to which we have already agreed, does yet, in one view of the subject, come under our consideration this day, as a point entire and untouched. It is now declared, that this and the other House are alone to provide for any emergency of this nature, and are to make such provision for it as the exigency of the case itself shall appear to us to require. Are we then left at liberty in this particular case to act according to our own free discretion, adhering only to the rules of justice, and to the general principles of the Constitution? or is our conduct in any degree prescribed, restrained, or limited, by the positive regulations of any existing law? An idea has been suggested to the Public, that although the two Houses of Parliament constitute the only power competent to act on this occasion, yet that the sphere of their action is confined within a very narrow limit. That they can lawfully proceed no farther than to call some person to the exercise of the Royal authority, and that whatever other provisions the existing circumstances may require, must be made hereafter with the consent of such person then representing the Sovereign, and exercising, at his own discretion, the legislative functions of the Crown.

In support of this proposition, the statute of the 13th of Charles II. cap. 1. has been quoted, by which it is enacted, that any person who maintains that the two Houses of Parliament have any legislative authority without the King, shall incur all the penalties of a premunire. This act has been much referred to on the present occasion, both as declaratory of the ancient Constitution, and as a law still in force, and consequently binding upon our conduct. It is therefore material to consider it with attention, because if its operation be really such as has been stated, every discussion of restrictions or limitations is in the present moment premature, and may hereafter become useless and nugatory.

For my own part, I have no scruple to confess, that I am not at all moved by the authority of this statute, which I consider as wholly inapplicable to our present situation. No one can doubt, that in the ordinary course of Government, the principle of that act is binding upon us, as the very

foundation and corner-stone of the British Constitution. When the throne of these kingdoms is full, and when the King is personally capable of discharging the duties of his station, his express concurrence is unquestionably necessary to every act of legislative power. But on such an occasion as the present, it appears to me that the very same necessity by which we are compelled to act at all, extends itself to the manner in which we are to act, superseding both the letter of this statute, and the principle on which it is founded.

I certainly had the honour to concur entirely, not only with the general principle on which we have asserted the right of the two Houses to provide for this emergency, but also with the grounds on which we resolved that the proper mode of making such provision would be, by determining on the means by which the Royal assent may be given, in Parliament to a bill for establishing the Regency. In every step which we take under our present circumstances, it is, in my opinion, extremely material, that we should adhere, as far as possible, to the established forms of that Constitution, the very forms of which are dear to the hearts of Englishmen. And in this particular instance, I conceive that the signification of the Royal assent, by the great seal, that organ through which the authority of the Crown speaks in the most solemn and authentic manner, is not a point of form only, but follows as a necessary consequence from some of the most important principles of the Constitution, which could not be neglected without great and manifest danger. But looking to the substance of the duty which we are now called upon to perform, I can have no difficulty to declare explicitly, that in providing for this emergency, I conceive that the two Houses of Parliament must in reality act in a legislative capacity, in so far, and so far only, as the necessity of the case requires: that it would be idle and nugatory for us, in the situation in which we now stand, to be afraid of words, or not to look to the true sense and meaning of those measures which we are obliged to take; and that no distinction can on any just principle be maintained between acts of Legislation, properly so called, and those proceedings which have always been adopted, in cases of a necessity at all similar to the present.

If, indeed, there were any force in the objection which has thus been raised, it must apply equally to every step that can be taken, and the only inference that could be drawn from it, would be, that we were now in a situation for which no remedy could by any possibility be provided. We have already declared, that we acknowledge no right existing in any person, however exalted his rank may be, to act in this instance on the King's behalf, except under the authority of

Parliament. And if it be true, that no act, which is substantially and really of a legislative nature, can be performed, even in such a case as the present, by the Lords and Commons of Great Britain alone, it is impossible that we can cure this defect by appointing some person, who, deriving his authority from us, shall exercise the Royal functions in the place of the Sovereign. For whatever form we may adopt, would it not, in truth, be directly and plainly an act of legislation, to declare that the force of laws shall henceforth be given, and the obedience of the subj. & be duly paid, not to acts of Parliament passed by King, Lords, and Commons, but to bills passed by the two Houses, and assented to by a Regent, having no authority to give such assent, except what he derives from our proceedings? In any case, therefore, this statute, if it applies at all to the present circumstances, must prevent the possibility of any legal provision being made for this situation. Whether we attempt, by one act of legislation, to provide for this emergency by ourselves, without the personal intervention of the Sovereign, or whether by another act of legislation, we authorize some person to supply the place of the King, and to proceed, in concurrence with us, the statute is equally opposed as a bar to our proceedings, and no alternative remains, but that of an immediate and total dissolution of the Government.

On this ground alone I should contend, that such a principle of law cannot exist as applicable to these circumstances. And I should urge, in support of this position, the opinions of those writers whose names are the first in legal weight and authority, particularly that of Sir William Blackstone; who tells us expressly, in arguing on a point immediately connected with this subject, that "the necessity of 'the case supersedes all law."

But I must also beg leave to desire that this question may be examined upon the example and practice of our ancestors in two distinguished instances; the one occurring at the very period of passing this statute which I have before referred to; the other within no very long term of years subsequent to it. At the Restoration, the first step which was taken for re-establishing the British Constitution, was to declare, by a solemn resolution, that the only legal government of these kingdoms resided in the King, Lords, and Commons. Yet, immediately after this declaration had been made by both Houses, and after they had recognised their true and lawful Sovereign, they proceeded in his absence to the exercise of several functions both of legislative and of executive government; not certainly as intending to supersede the authority of their King, whom they had so recently acknowledged; but because they felt it their duty, both

both to him and to their country, to perform whatever acts were necessary to prepare the way for his return. Such was the conduct of the very same Houses of Parliament, who, within a few months afterwards, passed, in concurrence with the King, the act in question, declaratory of a principle which is now alledged as precluding us from the free consideration of the measures necessary in our present situation. I cannot but think that we shall best expound this law by adhering to the construction of those by whom it was made; and that we are at liberty to exercise, as they did, our best discretion and judgement in the behalf of our country, under the circumstances of a necessity, at least as strong as that under which they acted.

At the memorable æra of the Revolution, this statute was still in full force and vigour, not considered as an obsolete law, but as one passed not many years before, and founded on the experience of misfortunes still fresh in the recollection of the nation. But if the Convention Parliament had then admitted its operation, as applying to the circumstances under which they met, it must have stopped their deliberations in the very outset, and must have raised an insuperable obstacle to those measures to which alone we are indebted for the preservation of our rights. Or even if they had thought themselves at liberty to declare the forfeiture of their Sovereign as an existing fact, arising from no act of theirs, but from his misconduct, let it be considered what, under the letter of that statute, must have been their subsequent proceedings. They must have acknowledged that the Crown had thereupon immediately descended to the next heir of King James; and that without the sanction and concurrence of their new Sovereign no measure could legally be taken by the two Houses of Parliament. Instead of this, they ~~set~~ themselves warranted by the necessity of the case, first to set aside the abdicated King; next, to disinherit his son, whether real or pretended, the illegitimacy of whose birth, however strongly asserted, had not only not been proved, but was not even inquired into by them; and lastly, in the settlement of the Government to introduce a new order of succession, disregarding the strict line of descent, even to the persons of the two next Protestant heirs. What is there which can be a more direct or manifest exercise of legislative authority, than each of these several steps? The transferring by law the obedience of a whole people from the Sovereign to whom they had sworn allegiance—the superseding his immediate heirs, on whom the right to that allegiance descended according to the fundamental institutions of the monarchy—the changing the established order of succession to the Throne in the existing circumstances—and the ~~introducing~~

posing new conditions and limitations on the subsequent descent of an hereditary crown. This whole transaction, productive of such happy consequences, appears to me to be unquestionably not only an act of legislation, but an act of the highest legislative authority. Justified by the necessity of the times, and therefore supported by the concurrence and approbation of the best and wisest men, to whom we owe the preservation of our liberties.

It appears, therefore, on a full consideration of this part of the subject, that the statute in question, and the principle which it declares, have no reference to an occasion like the present. That no other consequence could result from them, if applied to such a case as this, but an immediate dissolution of the whole frame of government, and that for this reason they were not considered as obstacles to the proceedings of Parliament, either at the Restoration, by the very persons who passed the law itself, or at the Revolution, by those illustrious men, who then placed our Constitution on those foundations on which it is now established.

Another argument has, however, been urged against our proceeding to provide a remedy by our own authority to the whole extent of what the present emergency may be thought to require. An apprehension has been stated, that such a claim might be extended beyond the necessity of our situation, or might hereafter be used against the Sovereign himself, and to the subversion of our happy Constitution. To this it might be answered, in the first place, that no just argument can be drawn from the possible abuse of any power, against the right to use it in a regular manner, or to apply it to the legitimate purpose for which it was given. Such a mode of reasoning would go at once to sap the foundation of all authority, and to destroy with one blow all the most beneficial institutions of human wisdom. A tyrannical King, and a corrupted Parliament, might use their power of legislation for the purpose of annihilating every trace of our laws and liberties. But shall we therefore say, that by the British Constitution the power of legislation does not reside in the King, Lords, and Commons? Or, if not, how is it more reasonable to argue against the existence of a right in the two Houses to provide, when necessity requires it, for the security and welfare of their country, because they might, in a different situation, act in a manner prejudicial to these important interests?

There is, however, another answer applying more immediately to the particular question which we are now discussing. The principle which the two Houses of Parliament maintain, and have declared by their joint resolutions, is this; *that our right to act in this instance in a legislative capacity,*

capacity, being created by the necessity of the case alone, is also limited by that necessity. If the same necessity hereafter arises, we shall have no reason to fear any evil consequences from the exercise of the same right. Whenever the right shall be claimed, without the existence of such necessity, or whenever its exercise shall be pressed beyond the occasion which requires it, the claim will not only be unsupported by these proceedings, but will be in direct contradiction to the express principle on which we rest our conduct. Let it therefore be remembered, in discussing this question, that it is not by adhering to the line which we have laid down for ourselves, that we shall give just ground for such apprehensions as have been stated; but that it is by departing from it, by exceeding the limits of the necessity which creates the right to act, and by conferring powers beyond the warrant of that occasion, by which alone we can be justified in delegating to another any portion of the constitutional authority of the Sovereign.

The only remaining objection to the present proceedings of the two Houses arises from comparing them with the particular measures adopted at the periods which I have already mentioned; and from shewing that they differ from them, and especially in this respect, that no consideration of limitations or restrictions on the Regal power was entered into by Parliament, previous either to the restoration of Charles the Second, or to the act which placed King William on the throne of England. It seems to me that this ground of argument is entirely removed by the application of the principle which I have just stated, and which is essential to every part of this subject. The separate interference of Parliament in those cases could, with propriety, be carried no further than the bounds of that necessity in which it originated; and whatever difference exists between those proceedings and our present measures, arises entirely from the different circumstances for which we are now bound to provide.

At the period of the Restoration, the necessity under which our ancestors acted, required no more than this only, that they should acknowledge, on the behalf of their country, the just title of their lawful Sovereign, and that they should prepare the way for his immediate return, to take upon him the administration and government of his Kingdoms. Their measures were therefore confined to those objects, to provide for a period of a few weeks at farthest, which might elapse before the arrival of their Sovereign, and to remove those obstacles to his return which had been created by the preceding usurpation. They might naturally feel that it would afterwards be a fit subject for Parliament to consider what provisions were best calculated to remove the grounds

grounds of former jealousies between the Sovereign and his People. But these questions were wisely postponed till after the restoration of the Monarchy itself. Justice required that the King should be replaced in the full possession of that authority of which he had been unlawfully deprived; and every motive of sound policy made it desirable, that the re-establishment of the ancient form of government should not be delayed, nor the favourable moment neglected, which, if it had been suffered to pass away, might perhaps never have returned.

We are next to consider what was the situation and ~~spirit~~ of Parliament at the era of the Revolution. And it is ~~the~~ more necessary to do this with accuracy, because that enthusiasm which every Englishman so justly feels at the recollection of this event, appears to have induced some considerate and reasoning men to wish that we should not only adopt the leading principles of that transaction—principles to which we cannot too often recur—but that we should also adhere to the exact forms of those proceedings, in points in which they appear to me by no means to apply to the circumstances of the present case. With this view it has been proposed to us, not as a duty resulting from any principle of law, in which light I have already considered it, but as a point of expediency, that we should copy the precedent of the Revolution, by addressing the Prince of Wales to take upon him the Royal authority; and that we should then proceed, with his concurrence and assent, to the establishment of such limitations as the circumstances may appear to require. But in order to see how clearly this example is inapplicable to the present case, we have only to examine what was the nature of that necessity under which our ancestors were compelled to act at that memorable period. They were to supply the vacancy of the throne, occasioned by the forfeiture of a Sovereign, who had violated the fundamental laws, and had laboured to subvert the constitution and religion of his kingdoms. They were to provide for the immediate administration of the government which he had abdicated, and which would otherwise have fallen into utter and irretrievable confusion. But they had another and a more important duty, which they owed to themselves and to their posterity, and in the discharge of which they hazarded every consideration of personal interest, and personal safety. The preservation of our laws, religion, and liberties, had rendered it necessary for them to drive their Sovereign into exile. A still stronger necessity required that they should effectually provide against the revival of that inauspicious system which he had pursued; and that they should establish their new government on such a firm and solid foundation, that he might

never afterwards be in a situation to re-assume his authority, to revenge himself on those who had stood forward to oppose his tyranny, and to seize some more favourable opportunity for destroying the constitution and overthrowing the religion of the country. Under such circumstances as these, there was but one step that could be taken with propriety or safety. To place the Crown immediately, with all its full power, prerogatives, and authority, on the head of the Prince of Orange, the only person who could, by the wisdom of his councils, and the vigour of his arms, defend the nation against any attempts, whether originating at home or abroad, to restore the former Sovereign to the exercise of an authority which he had so justly forfeited.

If we compare these transactions with our present situation, we shall see that they have but one point in common; namely, the right and duty of the Lords and Commons to provide legislatively for those cases where the concurrence of the three branches of the Legislature cannot otherwise be obtained. But that with respect to the particular circumstances of this day, the necessity which compels us to act, and by which our mode of acting must be regulated, has no relation to that which existed at the Restoration, and is in every material circumstance opposed to that of the Revolution.

The duty which is now incumbent upon us is not, as in the first case, that of putting a King into the immediate possession of an authority which has devolved upon him by the course of inheritance, and the limits of which are clearly ascertained by the existing laws; but it is that of creating a new and delegated trust, to be exercised for a temporary purpose, and to be vested in an office unknown to the constitution of the country.

Nor are we, as in the other case, called upon to supply a vacancy in the throne, by the election of a Sovereign, or to preserve our laws and liberties, by placing the sceptre in those hands most likely to maintain it against its former possessor. We are to consider by what person, in what form, and with what degree of authority, it may be proper that the government of this country should be administered, during the continuance of the indisposition of our Sovereign, and how it may be restored to him, without delay or difficulty, immediately upon the happy event of his recovery. In deliberating upon this subject, we should always bear in mind, that the throne is not vacant, but full; that it is filled by a Monarch whose virtues have justly endeared him to his people; and whose speedy restoration to his health is not only the end to which all our wishes and prayers are directed, but is also an object of rational and well-founded hope. Instead, therefore, of hastening, as at the Revolution, to create, and to

strengthen

strengthen a power, which may effectually prevent his re-assuming the government, we are bound, by every consideration of allegiance to him, and of concern for our country, to adopt a line precisely the reverse of this. We are bound to consider well the nature of our situation, and the consequences of our conduct, and to weigh the effects of every separate step we take, before we can feel ourselves at liberty to give into other hands any portion of the supreme and sovereign authority of these kingdoms.

It is, indeed, an arduous and awful duty which is imposed upon us by this calamity. The guardianship of the rights of our Sovereign, the care and preservation of his just prerogatives, have, under the affecting circumstances of the present moment, devolved upon the representatives of his faithful people. We should certainly not be unmindful of this sacred trust, even if we were animated only by our feelings towards him, to whom we are bound not only by the ties of duty and allegiance, but also by thos. of national attachment and national gratitude. But if we wanted an additional inducement to the discharge of such a duty, it would arise from this consideration, that we cannot in this instance be wanting to our Sovereign, without being in the same degree wanting to the most essential interests of our constituents and our country. We are attached, and we have infinite reason to be so, to that part of the British constitution, by which the Crown of these kingdoms is declared to be hereditary. The mischiefs of a contrary form of government are so universally known and acknowledged, that it would be unpardonable to waste the time of the Committee, by dwelling on such a topic. But let it be remembered, that every argument which can be used in favour of hereditary monarchy, applies with greater force to the maintenance of this proposition, which is essentially a part of the same principle, that during the life of the Sovereign he cannot, except by his own misconduct, be divested of his constitutional authority. All the confusion, discord, and anarchy, which are inseparable from the institutions of an elective kingdom, would unquestionably be found to exist in a still greater degree, if there could be supposed a country where the Sovereign was liable, by reason of any temporary disability, to be removed from his exalted situation, and to make way for the appointment of his successor. And it is well worthy of our consideration, that the more strongly we recognize the right of inheritance to the Crown in the event of a demise, the more essential it becomes to guard, with the utmost jealousy, against the admission of any principle which leads to the assertion of such a right when there is no demise, and against the adoption of any measure which might afford the means of

of superseding the King's authority during his life, under the name and influence of that person on whom his Crown would in the course of nature legally devolve.

In touching upon this part of the subject, however strongly I may feel and express the necessity of providing the fullest security for the permanent authority of the King, I trust I shall not be considered as casting any imputation upon the character of his Royal Highness the Prince of Wales. I think myself bound to argue this question upon very different grounds. If there be any one circumstance which serves above all others as a land-mark, to distinguish, and at the same time to maintain, the boundaries between a free and an arbitrary government, it is this; that in despotic countries, whatever complaints are made against existing grievances, whatever precautions are suggested against the repetition of former evils, whatever securities are desired against the farther progress of oppression, are considered as so many personal reflections on the character of the Prince, in whom resides the whole power and authority of the country. In these kingdoms we have established it as a principle of our constitution, that the first executive Magistrate has no personal share in the misconduct of his government. And it is not only our right as Englishmen to discuss these points in a manner distinct from any consideration of the character of the Sovereign, but as Members of this House it is made our duty so to do, by the positive laws and institutions of Parliament. I shall, therefore, not enter here into any panegyric on his Royal Highness, because it would be foreign from the view which I entertain of the present subject, and because I think that in this Committee it would be extremely misplaced. I must, on the other hand, desire it to be understood, that the danger against which I think it necessary to guard, and the precautions which I wish to be adopted for that purpose, have no personal reference to his Royal Highness; but are grounded on this supposition, on which we have always proceeded with respect to our Sovereigns themselves, that they may possibly be misled by the councils of men who may abuse their confidence. And I am sure it must be felt, that unless we are at liberty so to argue, we shall have sacrificed to empty compliments all the most important functions of Parliament, both now and hereafter.

Thinking it, therefore, unnecessary to dwell any longer on this point, I wish to recal the attention of the Committee to the principle which I have already stated,—That ~~is~~ an essential and indispensable part of our duty, in the ~~it~~ circumstances, at the same that we establish a form of ent capable of conducting the public business with energy

energy and effect, to provide a complete and ample security for enabling His Majesty, whenever it shall please God to restore him to his health, to re-assume the exercise of his authority fully, freely, and without embarrassment. Our ancestors have acted on the ground of a similar duty in the case of every Regency which has hitherto existed in this country, as far as we can trace them with any degree of accuracy, either in the records of Parliament, or in the annals of our history. For, if we except the two instances of Richard the Third, and of the Protector Somerlet (which are both such evident usurpations that no stress can be laid upon them), it will be found, that during the course of many centuries, no subject in these realms, however nearly allied to the person of the King, has been permitted in any case of infancy, or disability, to exercise the whole prerogative and authority of the Crown. The mode of restriction has, indeed, for the most part, been different from that which is now proposed; but the principle has been the same: that in the establishment of a Regency, it is necessary not to look exclusively to the strength and efficacy of the intermediate and temporary government, but to consult at the same time, the permanent interest and security of the King, in whose name and on whose behalf the authority so given is intended to be exercised. There is no distinction on which it can be argued, that this principle, which has been uniformly adopted in the case of the minority of the Sovereign, is less applicable to the circumstances under which we are now placed. Perhaps it would not be difficult to assign some reasons for thinking that it applies with much greater force to the present case, and that in the consideration of the measures now to be adopted, it might with propriety be carried a great deal farther than in any former instance. But without entering into this, which might lead to an unnecessary discussion, it is sufficient to have established, that the principle of limiting the power of a Regency, with a view to the future security of the Sovereign, has been felt and acted upon in every case which has hitherto occurred, and is almost co-eval with the constitution of the monarchy itself.

I have, however, already admitted that the mode in which this has been done, has usually been different from that which is now proposed. The whole powers of the Crown have, for the most part, been called into action, although I believe it might be shewn that this has not always been the case; but they have not been given to any one subject: they have been divided among a variety of persons, differing in rank, situation, and description, and whose jarring interests have been thought to afford the best security, that

they

nitely more temptation to abuse them. The permanent interest of a Sovereign will frequently operate as a restraint on him, in those very points where the possessor of a temporary authority, however near to the Crown in prospect or expectation, will feel himself most desirous, and will most strongly be urged by others, to exceed the limits of a just and sound discretion.

It is on this ground that I am induced to think that a just limitation of the Regent's powers will not be injurious to the present welfare and prosperity of the Country, while it is at the same time indispensably necessary to our future security and happiness. But there is another topic which belongs to this part of the subject, and to which I wish to be permitted to call the particular attention of the Committee, entreating them to give to it that serious consideration which I think it claims from every good citizen. The evils which would arise hereafter, if on the King's recovery we should be found to have neglected the just security of his rights, may perhaps present themselves to the minds of some gentlemen with a less degree of force, in proportion as they may possibly consider them to be more remote. The duty which we owe to the future interests of the King has, however, a strong and immediate bearing upon the happiness, tranquillity, and good government of these kingdoms under the system which is now to be established. The eyes of all Europe are turned to the deliberations of this House. The attention of the people of Great Britain is more particularly directed towards us, because they feel that we have taken upon ourselves to act for them in this arduous and delicate situation, and to exercise on their behalf the most important of all their privileges. They have admitted and recognized the right which we assert; they look to us for the discharge of the duty, the obligation of which we acknowledge. Let us then, as we value the continuance of this harmony and confidence, be particularly careful that we do not oversleep the bounds of our authority.—That we give no grounds for imputing to us that we have exceeded the limits of the necessity under which we claim to act; and that we have granted powers which it did not belong to us to delegate. Let us also pay a just regard to those sentiments of dutiful and zealous attachment to their Sovereign with which we know that our Country is animated. Let no breath of suspicion go forth into the world that we have been wanting to the same feelings; that in such a moment as the present we have deserted our duty to the King, or sacrificed to any considerations the sacred trust which his misfortune has imposed upon us.

If unhappily a contrary impression should prevail, what ~~will~~ be its effect upon the minds of a generous and loyal people? I ask not what would be their conduct when the occasion would arise for which we had neglected to provide, but what would be the present security of a system built on such foundations? It is a false and mistaken opinion, that the strength and stability of Government are increased by the exercise of powers inconsistent with the principles of justice, repugnant to the feelings of mankind. The reverse is ~~the~~—*Nec unquam satis fida potentia ubi nimia est.*

Sir, I feel the delicacy of this part of the subject, and if ~~had~~ not also felt its infinite importance, I should have ~~been~~ loth to touch upon it. I trust it will never justly be imputed to me, that I am forward in raising up a spirit among the people to question those measures which have received the sanction of Parliament. But we cannot avoid being sensible that the strongest security for their acquiescence in our proceedings, especially under such circumstances as now exist, is an adherence on our part to the principles of justice, and a conscientious discharge of the duties which are incumbent upon us. If therefore I have felt myself bound to suggest these reflections to the Committee, it is because I feel a zealous concern for the honour and dignity of this House; it is because I feel an anxiety for the preservation of that respect and deference from the people to the decisions of Parliament, which is at all times necessary for the prosperity and glory of this country, but which in the present moment I do in my conscience believe to be absolutely essential to the maintenance of our internal and domestic tranquillity.

Therefore, Sir, upon all these grounds—on the full consideration of the extent of that necessity by which we are empowered to act—of the example of our ancestors whose steps we follow—of our duty to our Sovereign, of whose rights we, and we alone, are the true guardians and protectors—and of our concern for the interests of millions of our fellow subjects, whose dearest interests are now exclusively committed to our care; I feel myself enabled and called upon to give a decided opinion in favour of a Regency limited with respect to power.

It remains for me to consider the several restrictions which have been this day proposed. My opinion with respect to these follows so much from the principles which I have already stated, that I should feel it unnecessary to enter into any more particular detail of reasoning concerning them, if I were not desirous on every part of this important subject, to speak my sentiments distinctly and unequivocally. I agree with the resolution which restrains the power of cre-

ating Peers - and I do it on two separate grounds. First, because I am clear, that during the short period for which we are now providing, no inconvenience whatever can result from the suspension of this branch of the prerogative of the Crown: that there is, for this reason, no necessity for our delegating this power to any other hands; and that we ~~have~~ ^{had} therefore, according to the principle on which I have before enlarged, no right to confer it on the Regent. But there is, in the second place, a more important consideration which applies to this subject. Of all the powers of the Crown this is the most liable to be abused under a delegated and temporary Government; and it is also that from the abuse of which the most injurious consequences would arise to the permanent interest of the Sovereign. The power to create at discretion a lasting influence on the deliberations of ~~one~~ of the branches of the Legislature, is a prerogative of so high a nature, that nothing but a strong necessity would justify that principle of the Constitution, which has placed it in the hands of the Sovereign himself. As exercised by him, it is, however, subject to this restraint, that the mischief attendant on its abuse, operate against the peace and security of that Government, of which the King is not only in actual possession, but which he is to retain for the whole period of his life, and which he can have no interest to weaken or embarrass. The case of a Regent is widely different. If we suppose him unhappily to be misled by the councils of ~~men~~ desirous of availing themselves of a short interval of authority, in order to establish for themselves an influence in the State, paramount to that of their Sovereign, what other mode could be so naturally resorted to for this purpose, as the abuse of this particular branch of the prerogative? How could they hope more effectually to secure the continuance of their own power, than by retaining the means, if not of preventing the King's return to the exercise of his authority, at least of embarrassing and thwarting him in every instance in which he might feel it his duty to counteract their views of personal interest or ambition. It may indeed be said, that the same restraint which I have before mentioned, ~~is~~ operating on the exercise of this power by the Sovereign himself, does in some degree apply to it, even in the hands of a Regent. And this might be true in the case of a Regent whose authority was permanent, or even certain in its duration. But let it be considered, that in the present case, exactly in proportion as the probability of the King's recovery increased, the force of this restraint would gradually be weakened, and the temptation to the abuse would grow ~~more~~ powerful. The persons who advised the Regent would then ~~feel~~ it less likely that the consequences of any misconduct ^{of} ~~them~~

therein in this respect would be injurious to the Government in their own hands, and they might perhaps imagine that they had an interest in the mischiefs which it would entail on the subsequent administration of the Sovereign. The consideration therefore of the shortness of the interval for which we now provide, serves at once to shew, that no necessity can exist for giving this power; and to afford a great additional weight to the apprehension of danger resulting from it. In the present moment, I can entertain no doubt that the granting it would exceed the limits of our authority, and that even if that were not the case, it would be the duty of Parliament to withhold it on grounds of expediency.

2. The limitation which would prevent the Regent from anticipating the King's authority by reverions, and from fettering it by the grant of offices for life, is a part of the same principle which has just been stated; and though in its consequences certainly not of equal importance, is nevertheless, in my opinion, highly necessary to be adopted.

2. The propriety of the restraint on the disposal of the real and personal property of the King is admitted on all hands, and is founded on the same principle which would be adopted in the case of any other individual in similar circumstances.

2. The only remaining question is that which relates to the fifth resolution, opened to us in the beginning of this debate. That the care of His Majesty's person should be entrusted to the experienced virtues, to the anxious and long-continued affection of the Queen, is, in my opinion, self-evident on every ground of public duty and of private sentiment, in a case where even private sentiment should not be disregarded. As a point intimately and inseparably connected with the discharge of this interesting trust, the care and superintendance of His Majesty's household must be invested in the same hands. The only doubt, indeed, which could arise upon this subject would be, whether under the present circumstances, the existing establishment ought to be maintained: but if maintained, it can be put under no other direction than that to which the care of His Majesty's person is entrusted. For, that any other authority should be suffered to interfere in points so immediately connected with this duty, and that the domestic uneasiness inseparable from such a system should be allowed to add to the weight of the severest affliction, is, I am sure, an idea too shocking to be entertained by any of those persons whom I address in this place.

The proposition of reducing the King's establishment in the present moment would, however, as it appears to me,

be scarcely less repugnant to the feelings of a generous people. The smallest degree of reflection upon this subject must render it impossible that we should reconcile our minds to such a step. It will certainly be felt to be inconsistent with the sentiments which we all entertain towards our sovereign, even if we could be assured that he must always remain unconscious of the disregard which he would have experienced from the Representatives of the British nation. But if we carry our eyes farther, and look to a happy period to which our wishes and our hopes are turned, what a picture must then present itself! Let us, if we imagine, what must be his feelings in such a moment, that, when he is told that his Parliament has availed itself with eagerness and avidity, even of the shortest interval, to new-model the offices attendant on his person, and by a miserable economy, to degrade their Sovereign from the circumstances of splendour which belong to the rank which he was born, and to the station which he still occupies.

But, Sir, this is not all; though I trust this is infinitely more than sufficient to rouse the feelings of every English heart. We profess in our deliberations here, and we have published it to the Country in our resolutions, that we propose to establish a system which is to continue only during the King's indisposition. If we are sincere in this declaration, we shall be careful to keep alive among the people at all times the impression of that allegiance, which is still due to the King and to him alone. Can we believe that it is consistent with this purpose, to withdraw from him every mark of dignity, every external circumstance by which he is distinguished from an object of respect, and to reduce him in this instant to the same level with every common subject?

We know, and it will not be disputed, that the splendour which attends our Monarchs in the exercise of their authority is not created for an empty pageant; is not given to gratify an idle vanity, which they would be ashamed to own; but is established for solid reasons of sound policy. It is to mark and to define that rank in which the constitution of this country has designed them to stand. It serves to create respect among the people at large, and to impress continually on their minds those sentiments of habitual reverence which are justly due to the higher attributes of royalty. I mean not certainly to compare these external circumstances with the real and substantial dignity of a King, with the power of administering justice in mercy, or the power of conferring happiness on millions of his fellow creatures. But if there exists a situation under which

Monarch is for a time unhappily debarred from a personal exercise of these best prerogatives of his station, is it not rather an additional reason for continuing to him the outward forms and ensigns of Sovereignty? I trust and believe that the sentiments which his virtues have inspired, are so deeply rooted in the hearts of all his subjects, that no length of time that could elapse, no misfortune that could overwhelm him, no disregard under which he could be suffered to fall, would weaken their attachment, diminish their affection, or repress the ardour of their loyalty. But surely, we shall not feel ourselves at liberty, from these considerations, to neglect the natural and obvious means of preserving in the Country a just remembrance of his rights. We must be sensible that every wise motive which before induced us to maintain the splendour and dignity of his exalted rank, has from the circumstances of his actual situation acquired an additional and stronger claim to our attention. Even if our present hopes should be disappointed, and if by the continuance of this calamity we should hereafter find ourselves compelled to resort to a new arrangement in this respect; yet let it never be forgotten, neither at this, nor at any other period of his life, that the duty which we are at this day to discharge, is not that of electing a King to reign over us in his stead, but that of creating a delegated trust to administer the Government during his indisposition, in his name, and *on his behalf*.

Sir, I have now trespassed upon the attention of the House much longer than I have done at any former time, or than I had intended upon this occasion. The nature of the subject, its extent, its consequences, and the deep impression which it has made upon my mind, must be my apology. The question is one of the most interesting that has at any time been agitated within these walls. It is probably the most important that will ever occur during the course of my life.—And sure I am that there will be no moment of it, at which it will not be a satisfaction to me to reflect, that I have discharged this high and sacred duty, faithfully and conscientiously, without respect of persons, or consideration of interest, and looking only to that allegiance which I owe to my Sovereign, and to that concern which is due to the peace, prosperity, and happiness of my Country.

Mr. Welbore Ellis observed, that no precedent had yet been discovered, which proved that any two branches of the Legislature could carry any law into execution, without the concurrence of the third. He maintained, that every step which the House had yet taken in the question of the Regency, was not only irregular, but directly contrary to the spirit

Mr.

Welbore

Ellis.

spirit and the essence of the constitution. He asserted, that no government could prove effectual, which was not invested with the power of conferring honours, and of punishing offenders. The first was one of the most exalted prerogatives of the Crown ; and the last was committed to the operation of the laws. A weak government was, perhaps, worse than no government at all ; for it has not the power of acting with energy and effect. But, says the right honourable gentleman, we will not trust you with power, because you may abuse it ; for the sake of argument, he would admit the possibility of its being abused ; but what then ? Has this House, said he, no power to check, to controul, to impeach, and to punish any man, or set of men, who dare to trample on the rights of the People, by an abuse of that power, which has been committed to them ? If this be true, in general, it is still stronger in the case of a Regency. The Regent is doubly answerable. He is not only responsible by his Ministers, but he is responsible in his own person ; for, the maxim that the King can do no wrong, does not extend to the Regent.

Mr. Drake. Mr. *Drake* said, that he felt himself so much agitated by the eloquent oration of an honourable gentleman, (Mr. *Sheridan*) that it was with the greatest difficulty he could repress the emotions of his soul, when that honourable gentleman sat down. Such was the versatility of the honourable gentleman's oratory, that he could at will civilize barbarity, and symmetrize deformity. He confessed that he had caught a spark of his fire, which he said had kindled in his bosom a flame of the most genial and animating nature. But, however much he admired the splendid talents of that honourable gentleman, he could not approve of that party spirit which led him to censure, in terms of so much asperity the right honourable gentleman, whose administration it had been his pride to support ; but, said he, though I have been a partisan of Mr. Pitt's, I have never spoken disrespectfully of Mr. Fox ; it was his duty no less than his inclination, to support the measures of that man, who had raised his country to a pitch of glory, that was the envy of the universe ; he had proved himself the guardian of our morals, as well as of our liberties ; and he had magnanimously asserted the rights of the People. With respect to the restrictions proposed, he was free to confess that he had not yet made up his mind, though he was rather inclined to think, that His Majesty's house- hold should remain as it was, because many of them might now be considered as professionally in their respective employments, and it would be a pity to turn them out. He professed great respect for the Prince of Wales, and after thanking the House for so patiently hearing him, begged leave to conclude.

s speech with what he called a parliamentary prayer. virtue, as well as the graces, might be the ornament pport of the Throne, and that the virtues of the night descend to the Regent, his future successor.

Colonel
nel Fullerton begged leave to trespass upon the attention of the House, whilst he adverted solely to two points Fullerton.
were not in the least connected with either the Lords Bedchamber, or with the examinations of physicians, Philip of Macedon, who seemed so intimate an acquaintance of a noble Lord (Belgrave) or with the evidence Willis: but they referred solely and directly to the tried principles and practice of the constitution, and, indeed, would be found of material consequence to the solution of the great question then before the Committee. In this place, he understood it to be the declared opinion of Chancellor Pitt, that all powers and authorities belonged to the Crown, attached as it were to the person of the Sovereign; that they remained entire in the King, although he was incapacitated from the personal exercise of them; and that, in contemplation of law, the political capacity of the King continued perfect, and could neither suffer diminution nor defect. If by this technical phraseology, it was meant, that all the powers and authorities of executive government remained entire in the person of the King, during his incapacity, in such a way, that he should of right exercise them as soon and as long as he was capable of exercising them personally, and that, while he should not be in trust for him; if that was the meaning of the right honourable gentleman's expressions, no person could be more disposed to admit that doctrine than he was. But, if by the construction of law, and the political capacity of the King, referred to the entire, was meant, that the powers and authorities of the government might remain dormant, unemployed, inactive to the public service, as long as the King was incapacitated from the personal exercise of them; if that was the meaning of the expression, they were doctrines, which, in the language of the right honourable gentleman on an occasion, deserved to be treated as treason against the King. Would any man who professed to be a friend to the constitution, venture to declare, that the powers and authorities of Government were to be considered as the property of the Sovereign? That they were to be used like the store, or the wardrobe, or the privy-purse, as is meant for the personal use, pleasure, and convenience of the Sovereign, and that when he is incapable of using them personally, they need not be used at all? Did not the right honourable gentleman recollect that the powers of the Crown were vested

vested in the King; not for the personal benefit of the King, but for the benefit of the State? That there were duties and obligations mutually to be performed between the Sovereign and the Subject, duties of an awful magnitude, involving the welfare and happiness of the People? How then could the right honourable gentleman maintain, that these duties and obligations, in contemplation of law, could possibly remain entire, in the person of the King, during his incapacity, any other way than this; that when the King was incapacitated from the personal exercise of them, they must be performed in trust for him; that some person or persons, either by devolution or appointment, must perform the duties of the Royal station, and exercise the functions of authority in trust for the King, during his incapacity; unless the Committee were prepared to declare the Kingly Power either totally or in part useless. Surely the right honourable gentleman had too much respect for the principles of the constitution, too much respect for his own character, to maintain that the powers and authorities of executive government, that the great and godlike attributes of Majesty were to be considered as a mere appendage, attached to the person of the Royal Individual; to sleep when he sleeps, and only to wake when his faculties cease to lie dormant! It would be a profanation of the attributes of Majesty; it would be a profanation of the rights and welfare of mankind, to admit of such a doctrine. Colonel Fullarton proceeded next to the consideration of the second point to which he had alluded. He said, that the right honourable gentleman (Mr. Chancellor Pitt) had declared it to be the duty of the House to grant no more power to the Regent than appeared absolutely necessary for the public service. The right honourable gentleman seemed to conceive, that every thing which could possibly be withheld from the representative of the Sovereign, during the King's incapacity, was so much gained to the State. For his own part, he conceived that every portion of the just and established exercise of executive authority, which was to be withheld, was so much lost to the State, for whose benefit every portion of authority was held at all. He had ever understood the King of this country, in his legislative capacity, to be Sovereign, and at liberty to act according to his will; but that in his executive capacity, the King was no more than Chief Magistrate, invested with certain powers and authorities, specified by the constitution, and as much bound by those acts which he and his predecessors had ratified, as the meanest subject in his realm. I have ever understood, added Colonel Fullarton, that the constitution is not safe, unless when the three Estates are kept ^{the} separate, distinct, and entire. That for one or two of the

three Estates to trench on the powers and privileges of the other, has been considered as a sacrilege committed against the general freedom of the State. That such extreme delicacy has been observed in this particular, that the two Houses of Parliament do not venture to interfere with the executive authority, no, not in the most minute particular, excepting by address. That the House of Commons does not even venture on the executive act of publishing its own journals, but applies to the executive power to do it for them, and applies by address. If this statement be neither frivolous nor fallacious, the right honourable gentleman will feel it incumbent on him to prove of two things, one, either that to invest the Prince of Wales with all the executive government, would prove dangerous to the King, for the resumption of his Royal power in the event of his recovering his faculties, or else, that it would prove detrimental to the public welfare. With regard to the first of these grounds of apprehension, Colonel Fullarton presumed, that the delicacy, the moderation, the character, and the disposition of His Royal Highness the Prince of Wales, so distinguishingly manifested in the late trying and distressful scenes, would have proved more than a sufficient safeguard against the possibility of such an imputation. I am confident, he exclaimed, that the right honourable gentleman cannot entertain any such apprehension—I will not insult him with the supposition—Or at least if he does, it must be applicable to any possible Prince of Wales, rather than to the present Prince of Wales. With regard to the second ground of apprehension, on which it is necessary for the right honourable gentleman to rest the justification of these limitations which he has proposed, namely, that to invest the Regent with all the powers of executive government, might prove dangerous to the public welfare; let me ask, says Colonel Fullarton, does the right honourable gentleman mean to state, that any of the just and established powers of executive government are superfluous, that they can be spared, that they are detrimental? Has he ever found or acknowledged, during the course of his administration, that they were more than sufficient for the public service? If he answers no, they are neither superfluous nor detrimental; but it is improper to vest them in the hands of the Regent, while acting in trust, during the Sovereign's incapacity; let me ask, with what front can that right honourable gentleman possibly maintain, that those powers and authorities which he admits not to be dangerous, not to be superfluous for the public service in the hands of a Sovereign seated on the Throne, in the full possession of his faculties, and in the plenitude of his power, can possibly, without egregious detriment to the public service, bear limitation, mutilation, and restraint, in

the hands of a Regent, not possessing the stability or influence of permanent authority; holding power as the delegate and substitute of another; holding power by so precarious a tenure, that he may be obliged, on the shortest notice, to restore it into the hands of the Sovereign, for whom in trust it was holden? Until the right honourable gentleman solves these difficulties, and reconciles these contradictions, I defy him, said Colonel Fullarton, to stir one step in the business of restriction, without involving himself in the uncomfortable imputation of endeavouring to alter, if not to subvert, the constitution, in a very material point of executive government. Surely, the right honourable gentleman does not propose to give us a better constitution, in matters of executive government? He does not find it necessary to introduce another Declaratory Bill, to explain and amend the constitution, in all possible cases of the Sovereign's incapacity? He does not feel it incumbent on him to make this species of atonement for his extraordinary stretch of the Royal power during the course of his administration? And surely it would ill become that right honourable gentleman to aim an ungenerous blow at the state and condition of his benefactor; at a moment too, that might disarm the bitterest enemy of his resentments, and convert malignity itself into tenderness and compassion! The next point the Colonel stated, was, that if those considerations were not sufficient to deter from encroaching on the executive authority, it ought to be recollected, that Montesquies had foretold, that the liberties of England would be in danger, whenever the legislative power should be more corrupt than the executive power; that is, (as Colonel Fullarton says he understood it,) whenever the legislative power should, for personal or party considerations, commit violations on the executive authority. He then adverted to the violations of the constitution, committed at different periods, and said, that when Henry VIII. procured to his own proclamation the authority of law, the constitution was undone: again, when Cromwell voted the House of Lords useless, it was a death-blow to the constitution. And surely now, added the Colonel, I cannot think the constitution free from danger, when this House has not only declared it to be the right of this House, and of the House of Lords, in all possible cases of the Sovereign's incapacity, to choose whom they please for Regent, to elect the Emperor of Morocco, if they please, or to elect a Regent, as the Persians did their King Darius, by the neighing of a horse; but when you are proceeding to declare, that it is the right of this House, and of the House of Lords, to withhold any part of the executive power, to suspend all, or any part of the functions of authority, to portion out the executive authority, in what proportions you please, and so

whom you please: there is but one step farther, in which it is possible for the House to proceed, and that is, to adopt the wild and desperate notions of some mad republicans in the last century, and to parcel out the powers, authorities, and departments of executive government. Among the Representatives of the People, among the Members of the House of Commons, to advertise, as you would concerning a turnpike road, for a person to contract, on reasonable terms, for executing the office of Royalty. Colonel Fullerton proceeded to consider the subject upon other grounds, and observed that the right honourable gentleman, in the course of these discussions, had repeatedly, referred to history and precedent, for which reason he would beg leave to imitate the right honourable gentleman's example, and would quote a passage from history too, by no means as a precedent for the House to follow; but as an example to deter from committing encroachments on the established government of a country. In the history of France, in the reign of Charles the Sixth, who was in a state of incapacity, Isabeau de Baviere was his Queen: a Princess attached only to her treasures, influenced by the Chancellor, by the Prime Minister, and other principal officers of the Court, who were afraid, that if the government should be entrusted to the Heir Apparent, during the King's incapacity, they would lose their situation. Under this impression, the desperate resolution was formed, of insulting the Heir Apparent, almost beyond the limits of endurance; and measures were actually adopted for excluding from the government, that able and distinguished Prince, sole heir and representative of the Sovereign. This Minister, at that time the chief confidant of Isabeau de Baviere, was Mervilliers; who commenced his career in the profession of the law, but quickly found a nearer opening to advancement, by the more productive path of politics. The Minister and his party, trusting to his eloquence, trusting to his talents, trusting to his temerity, trusting to his credit with a large portion of the public, and relying also on certain other circumstances, adopted the desperate resolution already stated.

He undertook to procure the assent of Charles VI. to this unnatural measure. Charles VI. being in a state of total incapacity, and consequently unable to declare his assent, he undertook to procure the co-operation of Isabeau de Baviere, to the exclusion of her own son from the Government, and he farther undertook to procure the thanks and approbation of the Mayor and Corporation of the city of Paris. What is still more extraordinary to relate, he did in fact succeed in this atrocious endeavour. He accomplished a treaty to this effect, the treaty of Arras, preliminary to the famous treaty of Troyes, as recorded in the registers of the Parliament of

Paris for the year 1419. By means of the Chancellor, and a fiction of the Parliament of Paris, he affixed the great seal to acts which were the consequence of that treaty ; and thus he devised means for giving the Royal assent, at a time when the Royal assent could not possibly be given. He prevailed on Isabeau de Baviere to ratify that treaty, to the exclusion of her own son from the Government, and he was thanked for so doing by the Mayor and Aldermen, and Corporation of the city of Paris ! But, what were the consequences of these transactions ? The consequences were, that the kingdom was involved in all the miseries of a weak, mutilated, and distracted Government. There was a double Government, a double Parliament, a double Cabinet, double Ministers, double Officers of State, and of the Household. The kingdom was betrayed to its enemies, and was afterwards rescued from those disasters, by the superior efforts of that brave and distinguished Prince whom they had excluded from the Government. That Prince, who possessed the most interesting qualities, and the most fascinating manners, who had attached to his cause the noblest spirits, and the best abilities of his country ; and afterwards, under the name of Charles the Victorious, rescued this country from the misery and disgrace in which it had been involved, by those ambitious Ministers, from the wretched yoke of Henry the Sixth of England, that unhappy Monarch, whose reign had afforded such abundant subject of quotation, in the course of those debates. Col. Fullarton apologized for having alluded to any thing so unpopular as a passage of French history, but the House encouraging him to proceed, he added, that his object had been, to shew the desperate extremities to which the passions of ambitious men might hurry them, and the fatal consequences which had resulted from innovations and violations of the established government of a country ; and he thanked Heaven, that no such example, nor any thing like it, could as yet be found to stain the annals of England. He had only farther to remark, that the right honourable gentleman had endeavoured, with a peculiar predilection, to shelter his proceedings under the sanction of precedents and analogies of history. " Now," said the Colonel, " I will meet the right honourable gentleman on that ground, and in direct contradiction to the uses which he has endeavoured to make of precedent and analogy, I will defy that right honourable gentleman to produce a single instance, in the history of England, in the history of France, in the history of Spain, or in the history of any other country, with whose history we are acquainted at all, where the established legal powers of executive Government were maimed, mutilated, and restrained, with

out producing inefficiency, counteraction, and disgrace." He said, he was very far from wishing to include in these observations, the necessary precautions which, at different periods, had been adopted, for preventing the encroachments of the Royal power, and for preserving the liberty and safety of the subject: but, wherever the regular established operations of Government had been maimed, mutilated, and restrained; no matter whether it arose from interference of the legislative power, from participation of executive authority, with councils of Regency; from limitations imposed upon the Regent, or from any other cause, wherever it did so happen, inefficiency, counteraction, and disgrace ensued. It was true, that instances had occurred in the English history, where the misfortunes of a weak and restrained Government appeared almost unavoidable. And why? To prevent the still greater calamities of disputed successions, usurpations, and civil wars, naturally to be dreaded in turbulent times, if all the powers of Government were vested in the hands of one man, too nearly connected with the Crown, and possessing too much influence in the country, as in the cases of the Dukes of Bedford and Gloucester, during the minority of Henry the Sixth; Richard, Duke of Gloucester, during the minority of Edward the Fifth; and Somerset, during the minority of Edward the Sixth. In these, and similar instances, the King, Lords, and Commons, in Parliament assembled, making provision for a long minority, had judged it more expedient to expose the kingdom to the misfortunes of a fettered and imperfect Government, than to the greater calamities alluded to before. But, would any reasonable and impartial man, with no such preponderating considerations of danger on his mind, with the history of this country, and the principles and practice of this Constitution before his eyes; with a reference to the present circumstances of His Majesty, of the country, of the Prince of Wales—the peculiar circumstances of the Prince of Wales; would any gentleman, not entirely lost to every sense of public welfare, under these present circumstances, wish to involve the kingdom in the misfortunes of a weak, mutilated, and degraded Government? The Colonel earnestly intreated the Committee seriously to consider, before they adopted so dangerous and so desperate a resolution.

At length the Committee divided on Mr. Powy's amendment on the first Resolution. The numbers were,

Ayes, 154; Noes, 227. Majority, 73.

The Resolution, as originally moved, was then put, and carried without a division.

When the strangers were re-admitted into the gallery,

Mr

Mr. Fox. Mr. Fox was speaking. He said, that if the maxim which the Solicitor General argued from on a former occasion, "that the power which necessity creates, necessity must limit," be true, why was there no limitation to those restrictions which the resolution went to impose? He contended, that the spirit of the constitution of this country was hostile to the principle laid down by the right honourable gentleman; for, it was much less solicitous concerning the qualities and abilities of the person who exercised the Royal authority, than jealous that no act should be exercised which went to destroy that equipoise in the three branches of the Legislature, which was the basis of the whole. But, whatever restrictions were intended to be imposed, Mr. Fox maintained that neither good policy nor equity directed that there should be no limits as to their duration.

A division now took place, on the second resolution, relative to the creation of Peers,

Ayes, 216; Noes, 159. Majority for the Minister, 57.

All the other resolutions, except that respecting the King's household, were then severally put, and carried.

The House adjourned.

Monday, 19th of January.

Sir Robert Smyth. Sir Robert Smyth observed that, as it would give him concern to become instrumental in retarding the business of great importance, which called, at present, for the attention of the House, he wished to withdraw the Colchester Petition, and therefore he moved accordingly.

The question being put, that the petition be withdrawn, it was agreed to.

Mr. Chancellor Pitt having moved the reading of the order of the day,

Mr. M. A. Taylor. Mr. M. A. Taylor desired that, previous to the reading of this order, he might trespass, for a moment, upon the patience of the House, whilst he remarked, that rumours had gone abroad, importing that the Prince of Wales had heard of the restrictions. The present question was a question of no common moment, but affected all points whatever which could be regarded as dear to Englishmen. It went to the undermining the constitution, and overthrowing the Government of this country. He therefore requested to be informed, whether His Majesty's Minister had communicated the resolutions to His Royal Highness the Prince of Wales; and next, whether His Royal Highness had given any answer. Mr. Taylor added, that, if the latter should prove the fact, he meant to move, that the papers and the answers be laid immediately before the House.

Mr.

Mr. Chancellor Pitt expressed his doubts whether the honourable gentleman had any regular grounds to go upon, when he asked if the confidential Servants of the Crown had communicated with the Prince of Wales, upon a subject under discussion in the House of Commons? Or whether he could know to whom the House could issue orders for the production of the papers to which he alluded.

Mr. Taylor answered, that he was well aware that no ground could be laid before the House under the present circumstances. But it must prove very easy for the House to be put in possession of the sort of information necessary, if there was a Member in that House who could not avoid giving a knowledge of such letters passing, if any had passed. Communications ought to have been made to the Prince; if they had not, the Cabinet had failed to perform their duty; and if they had, he thought it very singular that the letters indispensable necessary to the purpose of the ensuing debate were not produced to the House.

Mr. Jolliffe contended that the right honourable gentleman Mr. wed such a communication to the House, who ought to be Jolliffe acquainted whether the Prince would, or would not, accept the Regency under such and such terms.

Mr. Chancellor Pitt replied, that the honourable gentleman who spoke last had furnished him with a sufficient argument against giving any intimation of the kind. It would certainly be not only very unparliamentary, but presumptuous and improper to say on what restrictions, or in what manner the Regency would be accepted, at the moment when the House meant to decide upon the mode of offering it.

Mr. Jolliffe conceived that it would be deluding the House, if the right honourable gentleman should propose such restrictions upon the Regency for them to adopt, as he knew that his Royal Highness would not accept it upon *.

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Here, as elucidatory of the inferences in the remarks of Mr. Taylor, we shall beg leave to present our Readers with the following documents.

authentic Copy of Mr. Pitt's Letter to his Royal Highness the Prince of Wales, left at Carlton House, on Tuesday Night, the 30th of December.

S I R,

THE proceedings in Parliament being now brought to a point, which will render it necessary to propose to the House of Commons, some particular measures to be taken for supplying the defect of the personal Exercise of the Royal Authority during the present interval, and your Royal Highness having some time since signified your pleasure, that any communication on this subject should be in writing, I take

The question on the order of the day was then put agreed to; after which the House resolved itself into a Committee, Mr. Brook Watson in the chair.

take the liberty of respectfully entreating your Royal Highness's mission to submit to your consideration the outlines of the plan His Majesty's confidential servants humbly conceive (according to best judgement which they are able to form) to be proper to be proposed in the present circumstances.

It is their humble opinion, that Your Royal Highness's be empowered to exercise the Royal Authority in the name and behalf of His Majesty, during His Majesty's illness, and to acts which might legally be done by His Majesty; with proviso nevertheless, that the care of His Majesty's Royal Person, a management of His Majesty's Household, and the direction & appointment of the Officers and Servants therein, should be Queen, under such regulations as may be thought necessary. the power to be exercised by Your Royal Highness should not relate to the granting the real or personal property of the King, (except as relates to the renewal of Leases) to the granting any office & pension, or to the granting, for any other term than during His Majesty's pleasure, any Pension, or any office whatever, except it must by law be granted for life, or during good behaviour; nor granting any rank or dignity of the Peerage of this Realm person except His Majesty's issue, who shall have attained the twenty-one years.

These are the chief points which have occurred to His M. Servants. I beg leave to add, that their ideas are formed on the position that His Majesty's illness is only temporary, and may not long duration. It may be difficult to fix beforehand, the time period for which these provisions ought to last; but if unfortunately His Majesty's recovery should be protracted to a more period than there is reason at present to imagine, it will be open after to the wisdom of Parliament, to re-consider these provisions whenever the circumstances appear to call for it.

If Your Royal Highness should be pleased to require any explanation on the subject, and should condescend to signify orders, that I should have the honour of attending Your Royal Highness for that purpose, or to intimate any other mode in which Your Royal Highness may wish to receive such explanation, respectfully wait Your Royal Highness's commands.

I have the honour to be,
With the utmost deference and submission,

S I R,

Your Royal Highness's

Most dutiful and devoted Servant,

(Signed)

W. PITT

Downing-Street,
Tuesday Night, Dec. 30, 1781.

Mr. Chancellor Pitt observed, that he must now beg Mr. to trouble the Committee for their attention, whilst he spoke Chanceller more for Pitt.

Authentic Copy of the Paper delivered by the Prince of Wales to the Lord Chancellor, in Reply to the Letter sent to His Royal Highness from Mr. Pitt.

THE Prince of Wales learns from Mr. Pitt's letter, that the proceedings in Parliament are now in a train which enables Mr. Pitt, according to the intimation in his former letter, to communicate to the Prince the outlines of the Plan which His Majesty's Confidential Servants conceive to be proper to be proposed in the present circumstances.

Concerning the steps already taken by Mr. Pitt, the Prince is silent.—Nothing done by the two Houses of Parliament can be a proper subject of his animadversion; but when previously to any discussion in Parliament, the outlines of a scheme of Government are sent for his consideration, in which it is proposed that he shall be personally and principally concerned, and by which the Royal Authority, and the Public Welfare may be deeply affected, the Prince would be unjustifiable, were he to withhold an explicit declaration of his sentiments. His silence might be construed into a previous approbation of a plan, the accomplishment of which every motive of duty to his Father and Sovereign, as well as of regard for the Public Interest, obliges him to consider as injurious to both.

In the state of deep distress, in which the Prince, and the whole Royal Family were involved, by the heavy calamity which has fallen upon the King, and at a moment when Government, deprived of its chief energy and support, seemed peculiarly to need the cordial and united aid of all descriptions of good subjects, it was not expected by the Prince, that a plan should be offered to his consideration, by which Government was to be rendered difficult, if not impracticable, in the hands of any person intended to represent the King's authority—much less in the hands of his Eldest Son—the Heir Apparent of his kingdoms, and the person most bound to the maintenance of His Majesty's just Prerogatives and Authority, as well as most interested in the happiness, the prosperity, and the glory of the People.

The Prince forbears to remark on the several parts of the sketch of the plan laid before him; he apprehends it must have been formed with sufficient deliberation to preclude the probability of any argument of his producing an alteration of sentiment in the projectors of it. But he trusts, with confidence, to the wisdom and justice of Parliament, when the whole of the subject, and the circumstances connected with it, shall come under their deliberation.

He observes therefore, only generally on the heads communicated by Mr. Pitt—and it is with deep regret the Prince makes the observation, that he sees, in the contents of that paper, a project for producing weakness, disorder, and insecurity in every branch of the administration of affairs.—A project for dividing the Royal Family from each other—for separating the Court from the State, and therefore by disjoining Government from its natural and accustomed support.—A scheme for disconnecting the authority to command service, from the power of animating it by reward; and for allotting to the Prince all the invidious duties of Government, without the means of

more particularly than he had before done, to the fifth resolution which he should have the honour to propose for

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softening them to the Public, by any one act of grace, favour and benignity.

The Prince's feelings on contemplating this plan, are also rendered still more painful to him, by observing that it is not founded on general principle, but is calculated to infuse jealousies and suspicion (wholly groundless, he trusts) in that quarter, whose confidence it will ever be the first pride of his life to merit and obtain.

With regard to the motive and object of the limitations and restrictions proposed, the Prince can have but little to observe. Little or no information is offered him by His Majesty's Ministers on these points. They have informed him what the powers are which he can refuse him, not why they are withheld.

The Prince, however,—holding as he does, that it is an undoubted and fundamental principle of this Constitution, that the powers of the Crown are vested there, as a trust for the benefit of the People; and that they are sacred only as they are necessary for the preservation of that poise and balance of the Constitution, in which experience has proved to be the true security of the liberty of subject—must be allowed to observe, that the plea of public advantage ought to be strong, manifest, and urgent, which calls for the limitation or suspension of any one of those essential rights in the supreme Power, or its Representative; or which can justify the Prince in consenting, that, in his person, an experiment shall be made to ascertain with how small a portion of the kingly power the executive government of this country may be carried on.

The Prince has only to add, that if security for His Majesty's right to the government, whenever it shall please Providence to bestow it on the country, to remove the calamity with which he is afflicted, be any part of the object of this plan, the Prince has to be convinced that any measure is necessary, or even conducive to that end, to be the first to urge it as the preliminary and predominant consideration of any settlement in which he would consent to share.

If attention to what it is presumed might be His Majesty's feelings and wishes on the happy day of his recovery, be the object, with the truest sincerity the Prince expresses his firm conviction, that no event would be more repugnant to the feelings of his Royal Father than the knowledge, that the government of his Son and Representative had exhibited the Sovereign Power of the realm in a state of degradation, of curtailed authority, and diminished energy—a hurtful in practice to the prosperity and good government of his People, and injurious in its precedent to the security of the Monarch, and the rights of his family.

Upon that part of the plan which regards the King's real and personal property, the Prince feels himself compelled to remark, that it is not necessary for Mr. Pitt, nor proper to suggest to the Prince the restraint he proposes against the Prince's granting away the King's real and personal property. The Prince does not conceive that, during the King's life, he is, by law, entitled to make such grant; and he is sure, that he has never drawn the smallest

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Ap. 1789.

D E B A T E S.

consideration. The foundation upon which he had gone, for all the measures he had proposed, was the exigency of the case; they were bound to provide the means for the dispatch of public business, and for the discharge of the executive authority: they were also equally bound to two other objects: the care of the Royal Person of His Majesty, and the preservation of his dignity, which ought to be inseparable from him during his present indisposition. With a view to both, but especially the latter of these points, the last resolution had proceeded. On the first he would but lightly dwell, conceiving that all must agree to the care of His Majesty's person being entrusted to the Queen. He would not for a moment entertain an opinion, that to her guardianship there could exist the least objection; he would not anticipate, because he did not believe, the existence of a difference of opinion on that subject; he therefore thought it unnecessary and difficult to argue, as it appeared to be like debating on a self-evident proposition: for under the character, under the virtues, and under the feelings, of that great and venerable personage, he was confident that there would hardly be a heart in the country, which, while it deplored the fatal and melancholy necessity that existed, would not at the same moment feel a considerable degree of support and alleviation, in the remembrance that under such guardianship, with so much propriety and safety, might be entrusted the care of the Sovereign. He would avoid expatiating upon that subject, feeling it not respectful to the Committee to argue on a propriety

elation to possess any such power. But it remains with Mr. Pitt to consider the eventual interests of the Royal Family, and to provide a proper and natural security against the mismanagement of them by others.

The Prince has discharged an indispensable duty, in thus giving his free opinion on the plan submitted to his consideration.

His conviction of the evils which may arise to the King's interests, to the peace and happiness of the Royal Family, and to the safety and welfare of the nation, from the government of the country remaining longer in its present maimed and debilitated state, outweighs, in the Prince's mind, every other consideration, and will determine him to undertake the painful trust imposed upon him by the present melancholy necessity (which of all the King's subjects he deplores the most) with full confidence, that the affection and loyalty to the King, the experienced attachment to the House of Brunswick, and the generosity which has always distinguished this nation, will carry him through the any difficulties, inseparable from this most critical situation, with comfort to himself, with honour to the King, and with advantage to the Public.

(Signed)

Carlton House,

January 2. 1789.

G. P.

riety of conduct so self-evident, until he should hear, if it was possible to be heard, an argument against the propriety of delegating such a trust. The next point of the resolution which he should have to offer, and on which he presumed they might differ, concerned the powers given to the Queen to discharge such a trust, on the one hand, and, on the other, to maintain the dignity of His Majesty's person. The Committee would please to recollect, that while they were delegating part of the executive authority to be exercised in the King's name, they were bound to provide for the safety of their King, that it might appear that they had not forgotten that he was still their Sovereign; and that the Representatives of a faithful and loyal People ought not to endeavour to deprive His Majesty, in his present melancholy situation, of that dignity which he enjoyed at the moment of health. On that ground, Mr. Pitt observed, that he submitted the principle on which he went, contending, that it was necessarily inseparable from Her Majesty, in the care to be entrusted to her, to have the whole direction of all about the person of the King. The Lord Steward, the Lord Chamberlain, and the Master of the Horse, could only be considered as the great leading parts of the several divisions of the household; and, therefore, the only question which could arise on the propriety of their being under the direction of the Queen, was, whether the alteration of circumstances rendered it a becoming point, that any alteration should be made in the expence or duty of such officers, as would with the least degree of decency countenance the Parliament, in the present situation of His Majesty, which could be considered but as temporary, and which all hoped might prove of short duration, in the attempt to new model his household, and degrade it into a predicament, less familiar to his dignity? and whether the management of His Majesty's domestic affairs should still remain to be carried on through the same hands to which it had been for some time entrusted, or whether a new management was to be introduced, during the present temporary interval? The noble Lord (North) in the blue ribband, who could not help speaking with ingenuity, and who possessed much real information, but who, on a former day, had only displayed his ingenuity, and withheld his information, had told them of the ease with which those officers might be separated from the household; but he wished to ask this question, Whether it would prove decent at such a moment, thus early, and with the well-grounded hopes of a recovery, to try the experiment, how far they might new model and limit His Majesty's household? *He maintained*, that it was not consistent with the affection of the People, at such an anxious period, to hazard experiments,

iments, in order to introduce a new system. A cry of ear ! prevailing, Mr. Pitt expressed his hopes, that the noble Lord, and those who noticed his assertion, would attempt to prove to the Committee, in a manner at least as national, infiſtant, and parliamentary, the contrary ; but, for what he asserted, he appealed not only to the feelings, but to the reason of the Committee. It was an appeal, which the more was considered would be found the more to deserve the attention of that House. He wished to ask whether it was expedient to annihilate every appearance of external dignity ; whether it was consistent with reason and sound policy, at the moment when the Sovereign was incapacitated from exercising his authority, to separate all appearance of Sovereignty from his prefent situation. When these questions could be considered, he could not see how it was possible to envy the propriety of allotting the direction of the household to Her Majesty ; or to assert that the preservation of the external dignity of the King, was inconsistent with the duty of the People.

The general grounds on which they had heard it objected against, was, that such a power being entrusted to Her Majesty, would form so large an influence, and so extensive a patronage, as to render it impossible that any government should be carried on with the least effect. For that, however, he should reserve his remarks until he should hear it more fully explained. He would nevertheless speak shortly on the argument on which this principle turned. It supposed that a degree of political influence would necessarily follow patronage. He admitted that a degree of political influence, likely to be exercised, was an evil. He wished however to ask those gentlemen who contended against the power that the proposed establishment might create, whether establishments had not been created, much more likely to have been exercised against the executive authority ? When gentlemen recollect, that such establishments had been formed, he did not take too much upon himself, when he contended, that what had not been denied to branches of the Royal Family, ought not to be denied to the Sovereign himself, while labouring under temporary illness ; an argument that reverted to the propriety of continuing to His Majesty his establishment. If gentlemen disagreed to such a continuance of His Majesty's household, if they were less regardful of His Majesty's dignity at the prefent moment, than when in health, it would be expected from them to shew their reasons, and state the danger of such patronage, as would be obtained by the necessary powers, for a temporary, and perhaps a short interval. The argument of the danger of the patronage, turned upon the supposition, that those who were now in

ity of conduct so self-evident, as possible to be heard, an argument against delegating such a trust. The next point of the question which he should have to offer, and on which he presumed they might differ, concerned the powers given to the Queen to discharge such a trust, on the one hand, and, on the other, to maintain the dignity of His Majesty's person. The Committee would please to recollect, that while they were delegating part of the executive authority to be exercised in the King's name, they were bound to provide for the safety of their King, that it might appear that they had no forgotten that he was still their Sovereign; and that the representatives of a faithful and loyal People ought not to deavour to deprive His Majesty, in his present melancholy situation, of that dignity which he enjoyed at the moment of his health. On that ground, Mr. Pitt observed, that he admitted the principle on which he went, contending, that he was necessarily inseparable from Her Majesty, in the person of her, to have the whole direction of the Chamberlain, and the Master of the Horse, could be entrusted to the King. The Lord Steward, also, considered as the great leading parts of the Household, could not arise on the propriety of their being under the control of the Queen, was, whether the alteration under the rendered it a becoming point, that any alteration made in the expence or duty of such officers, as the least degree of decency countenance the present situation of His Majesty, which considered but as temporary, and which all hoped would, in the attempt to new model into a precedent, less familiar to the management of His Majesty's affairs, carried on

His Majesty's service, would act in opposition to another administration. If that was offered as an argument against the restrictions, he denied the truth of it. Suppose, for a moment, and for the sake of argument, that such a conduct was likely to be pursued. A factious opposition, he was bold to say, they would never engage in; he wished not, however, that any man should rest on his assertion, or upon the assertion of any other man; it was public conduct which alone spoke to the People the conduct of public men; he then wished to ask, whether, if they pursued the conduct of a desperate faction or cabal, it was likely that they should meet with support from the People; support equal to that which they had received while in Government; was it likely that such a faction should be supported by the authority of the country at large; would it not depend on the independant Members of that House, and on the People? Whatever might be the patronage annexed to the powers proposed to be granted to Her Majesty, he wished to ask, whether it was likely that the patronage entrusted to such hands would be granted to enable a faction to obstruct with its weight, the government of the Regent? Was it likely, if so given, that it could make it predominant to the accumulated patronage of government? Or, did it appear probable, that the Queen would support a faction, thus to oppose the wise and prudent measures of the government of her son? Was it likely that His Majesty's Ministers, in the present calamitous and distracted state of affairs, forgetful of their duty to their country, forgetful of their duty to the constitution, and forgetful of their duty to Him, whose dearest interest was the welfare of his empire, would neglect the interest of the People, to form a factious opposition, in order to obstruct the necessary measures of government? Could it be supposed, that persons standing in such a situation, would factiously unite to the injury of a country, or of a Government, of which they might, on His Majesty's recovery, again be called, and the interest of which it had appeared to be; and ever would be, their honour and ambition to advance? He wished again to ask, whether in the situation in which Her Majesty was placed, it appeared likely that she should support such a faction as he had described? It was an idea which he did not believe was felt or imagined by any one, and on which he therefore would not dwell any longer. It was due to His Majesty from a loyal People, not to destroy that system which his Majesty had adopted for the management of his household. The Committee ought not to destroy the dignity due to His Majesty; and the care of His Majesty and the government of the household ought to be entrusted to the Queen. -

Mr. Chancellor Pitt proposed the following question :—
" That the care of His Majesty's Royal person, during the continuance of His Majesty's illness, should be committed to the Queen's Most Excellent Majesty ; and, that Her Majesty should have power to remove from, and to nominate and appoint such persons as she shall think proper, to the several offices in His Majesty's household, and to dispose, order, and manage, all other matters and things relating to the care of His Majesty's Royal person, during the time aforesaid. And that for the better enabling Her Majesty to discharge this important trust, it is also expedient that a Council should be appointed to advise and assist Her Majesty in the several matters aforesaid, and with power, from time to time, as they may see cause, to examine, upon oath, the physicians and others touching the state of His Majesty's health, and all matters relative thereto."

Lord Maitland, rising next, observed that, called upon as he had been, he could not avoid instantly declaring, that if he had answered the right honourable gentleman's argument in any other way, than by the gesture or expression which he had betrayed, he should have forgotten what was due to himself as a Member of that House. He was ready to agree with every panegyric on the virtues of Her Majesty ; she was universally known to be eminently amiable and virtuous, and as such, he considered her with proper veneration. On her amiable qualities, however, the question did not rest ; the proposition for maintaining the dignity of His Majesty, he conceived to be particularly misplaced. It was a dignity, under his present unfortunate and mortifying circumstances, unfit to be bestowed, and could only beget contempt ; it was a dignity which tended not to make his subjects look up to him with reverence, but to make them contemptuous scoffers. If the House was not lost to every principle, it could not adopt the resolution as proposed. At the instigation of the right honourable gentleman, the House had agreed, that in conjunction with the other House, they had a right to provide for the deficiency of the executive Government ; a resolution which he had thought wrong ; but it had passed, and the Prince was acknowledged as a proper person to fill the situation of Regent. The House considered that he, who was interested in the preservation of the empire, because he was to fill the throne in future, was, of course, the fittest person to be trusted with the Regency ; they had also resolved, on a very good principle, that the Prince, being interested, should not be trusted with the care of the Royal person of the Sovereign ; and, therefore, if the Committee should agree to the present resolution, they would

would give the lie to their principles. That Her Majesty should feel an interest, was natural. She had an interest as a wife, and the Prince had an interest as a son. Her Majesty stood under the resolution in a very different light. He would readily agree that, if Her Majesty had no part of the executive power, she would be the fittest person to have the care of His Majesty; but, interested as she was proposed to be by the resolution, she would be, in his opinion, more interested than the Prince, and possessing such power, be highly improper, and inadequate to such trust. Novelty was a fascinating circumstance to the human mind, and the new possession of power might warp and prejudice the purest bosoms. Independent of that argument, he had, however, a special objection to Her Majesty's being intrusted with the King's person, arising out of the Report on the table: they knew what must be Her Majesty's anxiety; they all felt her anxious, her virtuous, and her dutiful wishes on the occasion; they felt that this anxiety might lead her to a belief of a too favourable report of the state of her Royal consort's health, and, though such commendable anxiety might redound to her honour, and secure to her universal and inviolable esteem, it operated against her being solely intrusted with the care of the Sovereign, especially when there were Princes of the Blood in the country who were the King's brothers. The right honourable gentleman, on a former night, had spoken of the necessity of continuing about His Majesty his usual attendants; yet this point would not be effected by the present resolution; for, it gave Her Majesty the power not only to continue but to remove. By the resolution before the Committee, they were going to sever the executive power of the country, and give a great part of it to the Queen, without any responsibility. Who was to be the responsible person? Were they to look to the Queen? No! Were they to look to her Council of Advice? No! for they were not a Council of Power. The Queen would be intrusted with a patronage of upwards of 80,000 yearly; and such a power, he conceived, would, in a great measure, take away, if not totally annihilate, all responsibility in the Regent's Ministers; it would create that monster, hitherto unknown to the constitution, a fourth estate in the Realm; it would be exercising all that unbounded ambition, all that wish for patronage, all the unconstitutional attempts charged, but falsely charged, upon his right honourable friend. On the comparison of his right honourable friend's India bill with the present proposition, he could dwell with pleasure, but not then; at a moment like the present, he conceived it improper to amuse the House with ridicule. If the right honourable gentleman would shew him how the present

present motion could facilitate the King's recovery, he would willingly compliment the right honourable gentleman with his vote; he believed that no such reason could be shewn; he believed that no reason at all like it could be shewn. Perhaps, there were some secret reasons, which those who knew the human heart, might guess, but no mortal could judge of; the right honourable gentleman might have once climbed into power by a contemptible line of politics, and the right honourable gentleman, he saw, had a plan again to wound the constitution of his country, for which reason he would not give him his vote. He had not the most sanguine hopes of His Majesty's recovery; he had examined the register of the principal hospital for the malady in the kingdom, and found, that out of 125 received in the course of ten years, there was not more than one in four recovered. When the welfare of his Sovereign, the Prince of Wales, and the House of Hanover, came in competition, it was not easy to assert which weighed most with him. The Committee could not consent to the resolution, without abandoning the principles of the Constitution.

Mr. Sturt observed that, although not affecting to possess ^{Mr. Sturt} any of the brilliant powers of elocution, yet, when he heard the right honourable gentleman, in the course of his speech, call upon that side of the House to know why there was ^{that outcry,} he must signify his disapprobation by his voice. [A laugh from the other side.] Mr. Sturt said, he cared not for their laughing; he loved his country as much as the right honourable gentleman. The right honourable gentleman had boasted of the universal applause of the People, whereas he, residing in London, had been the first to inform his constituents, the electors of Biddport, what was going forward in that House. He did not, Mr. Sturt said, quote Demosthenes, when he saw an attempt made to new model the Constitution, but voted against this attempt, without endeavouring to come forward as a rival orator.

Mr. M. A. Taylor considered the present as a violent ^{Mr. M.} constitutional attempt, and he wished the Constitution to ^{Taylor} remain entire: the whole executive powers of Government he had always understood were given for the benefit of the People, and that power ought to be exercised by the executive officer, the Regent, for the benefit of the People, unimpaired; the restrictions not only took from the Regent a material part of the executive authority, but vested it in a party. The chief objection against the India bill of Mr. Fox was, that it created a fourth estate. Those who should have the care of His Majesty's person, he contended, ought to have no other interest whatever; the power proposed to be given he considered as unknown to the Constitution, and

as tending to cripple the new Government, and fettering the Prince, against whom no restraints whatsoever should be suffered to have an influence.

Sir John Swinburne said, that in the arguments to be advanced on the question before the House, a certain degree of respect was due to Her Majesty, and a certain degree of respect was also due to the Heir Apparent, His Royal Highness the Prince of Wales. He considered the present resolution as improper; it tended to introduce a divided Government, and a Government divided in itself, must necessarily be weak; as a noble Lord had quoted Greek, he would quote a few words of Latin; it was *Imperium in Imperio*, which was the character of the Regency, as about to be established. They were going to take out of the hands of the executive power the executive trust, and give part of it over to those hands which were not responsible, to those who were completely abstracted from all share in the Government, who never were likely to enjoy such power on His Majesty's recovery from his present disorder, nor ever ought to be possessed of it. He asked the lawyers, whether property did not always descend, and whether it was ever ascendant? He saw no good end the present resolution could obtain; on the contrary, it appeared to him calculated to promote nothing but division and anarchy. He conceived, with the powers proposed, it was improper to entrust Her Majesty (who, he said, unless prompted to it, was the last person who ought to have stepped forward) with the care of the King's person, alone, as she might be misguided by evil counsellors.

Mr. Pulteney observed, that if it could be made out that by giving the powers of the resolution to the Queen, there was any reason that could be advanced of the probability of her concealing the recovery of the King, he should consider such reason a fair argument, and a good objection to the resolution. He considered that no such reason could be well founded; and was of opinion, that it was indispensably necessary that every degree of power over the household should be given to Her Majesty, to enable her to discharge the duties of her trust. The argument against her having such a power, went on the supposition that she could forget her duty to her King, her husband, the interest she felt in common with him, in respect to his return to his former state of sovereign power, and the duty and affection which she owed to the People. Such illiberal suppositions, he was confident, were not well founded; they were untrue. Objection had been made to the patronage of the power that was proposed to be given to Her Majesty. He wished to ask whether the Throne was so weak that any person, with the power of dis-

meting eighty or a hundred thousand pounds, or the of two or three persons in that House, and of the Lords Bedchamber in the other, could shake it? The Throne on no such grounds; it was far more firmly established. He was old enough to remember the days when it had resolved that the influence of the Crown was too great, ought to be diminished. He voted for that question, & did not think the influence of the Crown sufficiently diminished. Was it so altered at the present moment, that the patronage of the household could not be dispensed? Let the Committee consider the patronage of the , the patronage of the navy, of the customs, of the ex- and of all other offices, which pervaded every corner of kingdom, and then let them contend, if they could, the patronage of the household was necessary. The at question did not, however, rest upon those powers tronage, but upon a temporary regulation for supply- the present deficiency, and for taking care of the late re- of the Sovereign to his government, whenever he should stored to his People. He did not agree to any restric- on the Prince, from any fear of the motives by which is actuated; he wished only to guard against every pos- y of danger. Would any one contend, that in the it situation of Europe, Government could not go on ut that sort of influence. He thought that the coun- could be governed easily and properly, if the Ministers Regent, whever they might be, conducted themselves arably; the people, as they had lately shewn, were al- ready to give every honest and just tribute of admira- and applause. Let those gentlemen who were likely to into office at the establishment of the Regency, think was good for the country, and honourable for them- . When they said that they could not govern without patronage of the household, the patronage of every baker utcher employed by the Royal family, if they acted htly, they would stand in need of no such patronage, dissolution of Parliament was a remedy in their power, action should arise. He was not present when the on of the right of the two Houses to provide for the ency of the executive authority, and name a Regent, been agitated; yet, upon such an occasion, he would given his hearty vote in support of that right, and he now vote as heartily for the restrictions. He would imit of the probability of the Lords forming a cabal at the Regent's Ministers, but he conceived, that if another unconstitutional bill as the well-known India could be again brought in, then it would not prove un-

likely but such Administration might feel the Back chamber Lords a very heavy weight against its passing.

Sir John Swinburne. Sir John Swinburne said, that the resolution was indefensible, even on the principle stated by the right honourable gentleman, because it granted powers, which were not necessarily attached to the guardianship of the King's person. The patronage amounted nearly to 300,000 l. annually, which was undoubtedly depriving the executive power of a very important share of the Royal prerogative.

Sir James Johnstone. Sir James Johnstone believed, on his conscience, that the Queen was the most proper person to have the care of the King; but he begged leave to ask, if any remedy had been provided in case of the death of Her Majesty? He knew it was treason to imagine the death of the King, but the same law did not apply to the Queen.

Mr. Bouverie. Mr. Bouverie observed, that it was always with reluctance that he rose to deliver his sentiments; but on a subject of such singular importance, in which not only we ourselves, but our posterity, were deeply interested, he wished to propose an amendment, which, if carried, would remove the principal objection to the resolution; and, for that purpose, he requested that it might be read; which was accordingly done by the Chairman. Mr. Bouverie proposed to leave out the words relative to the power of continuing or removing the officers of His Majesty's household.

Lord North. Lord North remarked, that as the resolution consisted of three distinct propositions: First, the care of His Majesty's person; secondly, the power to remove or continue the household establishment; and thirdly, the measure of appointing a permanent council; he submitted to the right honourable gentleman, whether it would not very much simplify and facilitate the discussion, if they were to argue those questions separately, and it would also supersede the necessity of the amendment suggested by the honourable gentleman who spoke last.

Mr. Bouverie. Mr. Bouverie contended that he had been misunderstood. He had no objection to a council being appointed to advise with Her Majesty; but he objected strongly to the patronage which the second part of the resolution went to take from the executive power, in whom all power of that kind should be vested. It was very true that he had voted for the reduction, but he had never voted for the division, of the prerogatives of the Crown.

Mr. Fox. Mr. Fox observed, that if the right honourable gentleman would not agree to separate the different questions involved in the general resolution, it must of necessity very much embarrass the Committee in their proceeding. He might take the opinion of the Committee on the first part of the reso-

hions, relative to the custody and care of the King's person; and that being ascertained, their next consideration would be, what ought to be the necessary powers to be granted with that trust.

Mr. Chancellor *Pitt* objected to the mode proposed by Mr. Lord North and Mr. Fox. As he was decidedly of opinion that Her Majesty ought to have the sole care of the King's person, he could not agree to give her that trust without the necessary powers specified in the second part of the resolution; and those, therefore, who thought that part of the question objectionable, could move to have the words left out. The Committee might certainly argue it in that shape as well as in any other, and the question of course would first be put on the amendment.

Mr. *Bouveri* replied, that as he had the strongest objection to the right proposed to be given to Her Majesty for nominating and appointing all the officers of the household, he would pursue the right honourable gentleman's idea, and accordingly he moved, "That the second clause of the resolution be left out."

The question being put,

Mr. Grey contended that, admitting the propriety of committing to the Queen the care of His Majesty's person, if to that was to be added the patronage of the household, a patronage which did not naturally belong to her, and which she could only retain till the King should be able to resume the powers of Government, that circumstance would constitute a substantial argument against vesting her alone with such a trust; because, without giving way to any invidious and unworthy suspicion, abstractedly considered, it did establish an interest opposite to the due discharge of the trust, and which might induce a wish to continue the exercise of it after the necessity which gave rise to it should cease. The Chancellor of the Exchequer had told the Committee that they were not to provide for a Government that was to be permanent, but for an interval which they had reason to believe would prove temporary, and which they hoped and trusted would be short; and that in doing this, they were not to be influenced by respect for the person or the character of the Heir Apparent; they were not to let their delicacy get the better of their duty, but to grant just so much of the Royal prerogative as might be necessary for the occasion, and no more. They were first to consider their duty and allegiance to the Sovereign, to secure his right, and the power of refusing the exercise of Government, whenever he should return into a fit state for that purpose; and on this ground he proposed his limitations. But, what was the tendency of those limitations, and how far were they calculated to secure that

that right which they were holden out as framed to protect? Were his Royal Highness to forget the duties of a son and of a subject, his love of justice, and his reverence for the Constitution, or to sacrifice them all to gratify his ambition, invested with the patronage of the army, the navy, and all the great offices of the kingdom, what could oppose him? Surely, not the Lords with white staves, or the feeble bands of the household. Considered in this point of view, the limitations were nugatory, ineffectual, and totally inadequate to the purpose which they were meant to effect. They would obstruct the Regent in the just and useful exercise of his power; they would limit him in the choice of his political servants; but, in the abuse of it, should he or his Ministers be disposed to abuse it in the dark and overbearing career of ambition, they would oppose no strong obstacle to his designs. The right honourable gentleman made a difference between providing for a temporary and a permanent government; yet, when he argued in that manner, it was incumbent on him to shew that there were powers necessary for a King which were not necessary for a Regent. This he had not even attempted to prove; but said, first secure the right of the Sovereign, and his easy return to the exercise of power, and then provide for a Government as strong as the necessity of the case demanded. In order to effect the one, he proposed limitations inadequate to the purpose; and to establish the other, by taking away what was absolutely requisite to strength, he made that weaker which, from its own nature, was too weak before. He set aside the power of adding to the Peerage, because, in so short a time the new Government was expected to last, it would not be necessary to reward merit, nor to strengthen the Peerage, on account of the fluctuation of property, and he argued on the impossibility of a party being formed against the Regent among the Peers, as if they were less likely to form cabals when there was no power to counteract them, than when such a power existed. Having said thus much on the general principles of the whole proceeding, he came next to speak of the particular resolution respecting the household, the patronage of which was to be separated from the executive government, on pretence of regard for the dignity of the King. Was this the proper way of respecting the Royal dignity? Was a Master of the Horse, a Lord Steward, a Lord Chamberlain, or a Groom of the Stole, one of the proper appendages of dignity in His Majesty's present melancholy situation? Was not pageantry rather a mockery and insult to his dignity, than a becoming mark of respect? The executive power was thus not only deprived of the influence arising from the household, but saw it placed in such a situation, that it might

be exercised against it ; and yet, the right honourable man had ventured to exclaim, is it supposed that a parliamentary influence can be established ? He meant to argue concerning corrupt influence ; but the patron of the household did give influence, as was perfectly known, and that was part of the fair, ostensible influence of the Crown. Whether that influence was or was not greater than it ought to be, was not the question ; but, would the right honourable gentleman contend, that less influence was necessary to the government of a Regent, than to the government of a King ? He had heard, that when the famous bill was agitating in that House, and elsewhere, the principal argument against it was, that it went to create a fourth estate, and by lodging patronage and power in the hands of persons distinct from the executive government, to *sub imperium in imperio*. The same principle which had so strongly contended against in opposing that bill, had been held up to the terror and reprobation of the public, was now recognized in the resolution, and, should it, be carried into effect. A fourth estate would immediately be created, by placing power in hands unknown to the Constitution. One Regency would be appointed for executive government, and another for the management of the household. The right honourable gentleman would allow that this was laying any ground for a factious opposition to the measures of Government, meaning, perhaps, any opposition in which he might be concerned, must be a virtuous opposition. He would not enter into a panic on the virtues of the Queen, which no man felt or could more than he, because the question was not to be decided on the virtues of an individual, but on general principles. But, among all the virtues which adorned that fair character, was there any which exceeded her moderation ? Was there any part of her public or her private conduct which recommended her so much to the esteem, the affection, and the reverence of a loyal people, as that prudence with which she had, through the whole course of her life, abstained from all interference in the affairs of Government ; and was it wise, was it proper, was it consistent with a true regard for her interest in the public affection to place her in a situation new to herself, unknown to the Constitution, and which might eventually draw her from that line of discreet and amiable moderation, which she had hitherto followed with so much circumspection and so much praise ? He agreed, that the virtues of the Queen of Wales were not to be considered as an argument, to influence the decision of the Committee ; neither, upon *no occasion*, were those of the Queen to be taken into the

the question. She might have bad advisers as well as Prince, and, by the mention of a council of advice, it appeared that she was to have advisers, and it was tolerably clear who those advisers were to be. The amount of the patronage with which it appeared intended to invest her, about one-fourth part of the whole civil list; and this was, no doubt, to manage by advice. On the whole, whether the resolutions were considered on the principles of Constitution, or on those of general policy, they were equally foreign from the one and repugnant to the other.

Mr.
Dundas.

Mr. *Dundas* remarked, that if the point in view was the establishment of any situation as strong as a permanent government, the arguments of the honourable gentleman preceded him would have had great weight; but this was not the case, and consequently not the ground on which this question was to be discussed. When the right of the Prince of Wales was first mentioned in that House, rash and inadvertent as the mention of it had been considered by many gentlemen with whom he generally concurred in opinion, could not agree with them in thinking that the right honourable gentleman by whom it had been asserted had introduced it without design or deliberation. He believed it to have been mentioned, after due consideration, as the ground of the proceedings which were intended to follow, and which could have been built on no other foundation. The resolutions he considered as flowing necessarily from the situation that it was the right and the duty of the Lords and Commons to provide for the exercise of the executive government during the interruption, from the incapacity of the King; and, in this manner, had the consequence been drawn by a noble Lord in his speech upon that occasion, that right and the duty thus declared, they were now bound to perform, and he felt the obligation in this way. He considered the King as in possession of his whole and entire political capacity, and that they were to provide a substitute to act for him in the defect of his personal capacity; doing this, they were to give to that substitute such power and such powers only, as were absolutely necessary to that purpose and the time for which he was appointed, and nothing more. He admitted that the government so appointed should be strong; but he denied, that, in order to give it strength, it was necessary to dismiss the King's household. He considered the provision which they were to make calculated only for a short period, as if they had been providing a Regency for a minor, who wanted only one year of full age; in which case, it would surely not be contended that the full exercise of the Royal prerogative must be suspended. He then remarked on the argument concerning power

and said that the patronage which was left to the Regent so far exceeded what was taken away, that the not being able to take a few white wands from those who now carried them, and give them to others, could never impede or embarrass his Government. It was, therefore, unfair to argue as if the Regent were to have no patronage. He repeated, that what he felt to be his duty, was to put the political power of the King into the hands of the Prince; but, in doing that, not to shew that he did not forget his allegiance to the Sovereign, and what was due to his dignity in his illness. The proof of their loyalty, which he trusted they were going to give, would be a great comfort to His Majesty on his recovery, and this was a strong additional argument in favour of the mode proposed to be adopted. Much had been said of the argument used against the India bill; but, there was this material difference between the *imperium in imperio*, which that bill went to establish, and any thing which could be attributed to the present measure, that the provisions of it were permanent; and what they were now to do was in its nature temporary and short. That the patronage of the household might be used for the purpose of counteracling the executive government, was an imaginary apprehension. A separate establishment for a branch of the Royal family, not under the control of the executive government, had been often made before. When an establishment was made for the Prince of Wales, and when his debts were paid, and an addition made to that establishment, it had never been argued that this establishment might be employed to counteract the executive government. He was well aware, if it had been so argued, what sort of reply would have been made. If an establishment should be made for him as Regent, they were not taking from him either patronage or influence, but, in fact, adding considerably to both. The patronage of the Queen, it was natural to suppose, would prove his patronage, and they were adding to his own that of his mother. He had avoided the least allusion to the virtues either of the Queen or the Prince, because he considered that the most manly way of arguing, was to keep them totally out of the question. He regarded himself as having executed his duty by the Prince, when he voted him Regent, and as having shewn his reverence for the Queen, when he gave her the care of His Majesty's person, and having done that, he would not withhold any part of the trust which he thought necessary to the due discharge of the whole, and necessary to the dignity of the King in his present situation, and to his comfort when he should recover. Not an hour had been lost in settling this important business by those with whom he had the honour to act. Whatever delay had taken place, was to be

imputed solely to those, who, by bringing forward strange and dangerous doctrines, had made it as necessary to counteract those doctrines, as to provide a remedy, for the suspension of Government. When gentlemen talked of a strong government, and added, that a government could not be strong without influence, he could not admit, that where a Regent possessed the unlimited patronage of the army and the navy, the patronage of the Royal household was at all necessary to add vigour to his government. He could not lay out of his view the present situation of this country, and the general state of Europe, in which he saw nothing which called for a government peculiarly powerful. Till the King should recover, or till no hope of that event should remain, he thought the powers which were meant to be given to the Regent perfectly sufficient. If His Majesty should not recover so soon as there was reason to expect, or the melancholy conclusion be drawn that his recovery was not to be expected, it would then prove time enough to think either of adding to those powers, or of granting regal powers, without any restriction. When he reflected on the character and uniform conduct of Her Majesty, he could not allow that the patronage of the household formed any objection to entrusting her with the care of His Majesty.

Lord
North.

Lord North remarked, that overjoyed as he must always feel himself, under the merited acquisition of the approbation of his right honourable and learned friend, he could not, consistently with this idea, avoid experiencing some concern, when that approbation was founded on a mistake. When he had spoken on that occasion before, he had not lamented that the House came to the preliminary resolution, because that the resolutions of restriction necessarily followed. He had lamented, that a bad precedent was established, but he had never thought it necessary that the establishment of a bad precedent, should be followed by the abuse of it. All the mischief to which that bad precedent led, it was their duty to prevent. He still thought of the first resolutions in the light in which he had stated them to appear to him, when they were introduced, and though he yet felt the regret, that they had then impressed him with, he did not consider, much as he had objected to the present resolution, that it was a necessary consequence resulting from those preliminary resolutions. It was certainly a natural consequence, because those who once deviated from the straight path, naturally continued in error. The House had heard from the beginning, that the resolutions were of a temporary nature, and that it was not for a little time that they were to provide for the defect of the personal exercise of the Royal Authority. Thus, as it was but for a little time, they were expected to sacrifice the

confitu-

constitution, and persuaded to do without it for a few months, and withhold the necessary powers from the Regent. He declared, that he did not know any parts of the duties of a King, which it would not be expected from the Regent to perform; why then should any of the Regal powers be withheld from the Regent? But, the right honourable and learned gentleman had said, he would have the powers that were necessary, and had asked, could a black or a white stick be necessary? The duty of the Regent would be to govern a large empire, and every power which the Crown found necessary to the discharge of that important duty, the Regent ought to have. Had the right honourable gentleman any rule to judge by, of what was necessary for a King, other than what was necessary for a Regent to enjoy? The India Bill of 1783 had been mentioned; but gentlemen did not seem to attend to the essential distinction between the India Bill, and the present measure. The argument against the India Bill had been, that it would be establishing an *imperium in imperiis*, and making a fourth estate. The India Bill was an open and avowed measure, and the periods of its duration was four years; but the restrictions imposed on the Regent were for no fixed time. That, was for a certain time; this, for an uncertain and indefinite period. But an honourable gentleman, an old and a worthy Member of Parliament (Mr. Pulteney) had said, that it was necessary for the Lords of the Bedchamber to remain, to prevent the India Bill being passed. The honourable gentleman was too late in his caution; his suggesting his notable expedient then, was like prescribing physic for a dead patient. The India Bill was no more. That India Bill, which was called a violation of the chartered rights of men, was dead, and another India Bill had been introduced in its room; but that, he was informed, had been totally done away since by a Declaratory Bill, and the charters of the Company as much violated as they would have been by the India Bill of 1783. The honourable gentleman's remedy, therefore, came too late, the contest was over, the battle lost, the charters of the Company gone! But it was said, the restrictions on the Regent were meant to last but a short time. He hoped to Heaven, that they would last but a short time. That argument reminded him of the defence set up for an unconstitutional measure, put in execution some years since, by a most respectable Member of the other House, who was generally supposed to be a friend to the constitution of his country. He alluded to the embargo laid on the exportation of corn, which had been said to be only a forty days tyranny. So, in the present case, it was supposed that the necessary powers of the Regent were to be taken away for a short time, during which short time,

the Regent might make a faction, and become so strong, that it would not be in the power of an act of Parliament to restrain his ambitious designs. The honourable gentleman had told them, they were to look to the time of His Majesty's restoration to his health; he did look to it, and thought when by the blessing of Providence, that happy hour should arrive, the King would find it as easy a matter to resume his government, as he had found it to exercise any former act of authority, in the whole course of his reign. The honourable gentleman supposed, that if that House did withhold the patronage of the household places, there might be a difficulty in restoring His Majesty to his government, when he should be able to resume the exercise of his Royal authority. When such suppositions were made, he trusted it was for want of argument. The honourable gentleman had talked as if it was necessary to leave the patronage of the household where it was, in the hands of the King; but, if that were really the case, they should leave it in his hands, who constitutionally and virtually, would be King. The honourable gentleman had said, would they introduce a new system into His Majesty's household? If they gave the patronage of the household to the Queen, and withheld it from the Regent, that would be to introduce a new system, and separate the patronage of the Crown from the Kingly office. He hoped the honourable gentleman would allow, that there was something more material in that, than he seemed to be aware of. But, the honourable gentleman had said, His Majesty's mind would be uneasy, when upon his recovery he should find his household changed. Was it reasonable to say, that because during His Majesty's incapacity, the offices of the household were dispensed of, not to his wish, but according to the idea of the Prince, that His Majesty would be uneasy? Could it be supposed, that when he could ait it back again, he would be uneasy? Lord North added, that he never knew a case before, in which nothing could be laid on one side, and every thing on the other. With regard to the Master of the Horse, the Lord Steward, and the Lord Chamberlain, and the Lords of the Bedchamber, as his honourable friend behind him had observed, they were useful only for political purposes. Why then ought they not to be employed in political services? The honourable gentleman had voted on the motion, some years since, "That the influence of the Crown had increased, was increasing, and ought to be diminished." He had opposed it, and so had his right honourable and learned friend, and yet his right honourable and learned friend now wanted to diminish it a little more. The power of making Peers, and the patronage of the household were necessary to the Crown, as the man of honour, and they were equally necessary to the Regent.

ent. It was asked, whether it would do the Regent any good to remain without those powers, during a short period? In answer to this, he should beg leave to know, whether it would do the public any harm to remain with them a little while? The whole turned on "a little while." Did the honourable gentleman know the advantage in the holding of those powers might be of to the government of the Regent, in the interim? If His Majesty's recovery should become protracted, then it was said that the relations would die away. Would they die away, because Parliament might abolish them? The motion appeared objectionable, because it was complicated and embarrassing. It consisted of three distinct propositions. First, it stated that person of the King should be entrusted to Her Majesty. Then he agreed with the right honourable gentleman, and believed that the House would agree with him. The first proposition was, that Her Majesty should dispose of the persons of the household, a patronage consisting of about 400 persons in number! The third proposition proposed that His Majesty should have a Council of Advice. The first and last propositions might, in his mind, be well supported, though they had not yet been sustained by any solid and convincing argument.

Mr. Gregory Page Turner spoke of the extreme importance Sir Gregory Page Turner of the extreme delicacy of the subject, when the character of the Prince of Wales, on the one hand, and the character of the Queen, on the other, were brought forward. He said, he knew not how to give his vote in that House, without fitting the merits of either one or the other. He admired the virtues of them both, but he came there as a Member of Parliament, to do his duty upon public principles. He must, without fail, vote differently from the right honourable gentleman, at the head of the Exchequer, to whom, on a former occasion, he had been proud to pay just compliments and encomiums, and those not only to his talents, but to his integrity. He respected those talents, and that integrity, but the question was, whether the Prince of Wales was, or was not to be appointed Regent. There must, he said, be an Administration in the country, but he should contend, that if the King's household was put under the management of the Queen, there would be a double household, and a double administration, and a double administration could have no power equal to the carrying on of a vigorous government. The right honourable gentleman might just as well have said, that the Prince of Wales had no right to bring in his political friends, as that he had no right to the patronage of the household. But, it was said, when His Majesty should recover, His Majesty would be uneasy at seeing new faces around

around him. He could not but be of a different opinion ; Majesty had been pretty much used to new faces. He alluded to the frequent changes of administration had taken place, and he believed, among the rest, the Chamberlain, and the Lords of the Bedchamber, had more than once changed. He could not, therefore, with the right honourable gentleman, in giving his vote the resolution as originally moved. Whatever his abilities were, Sir Gregory said, his property rendered him independent, and he always delivered his sincere sentiments, according to his conscientious opinion. On those principles, he came into that House originally, and he was determined to persevere as he had done hitherto. The restriction preventing the Regent from making Peers, he said, had prevented the Prince from making Members of the other House of Parliament, though it had permitted him to take away most of their Members. Sir Gregory contended, that such Commoners as deserved well of their Country, had a right to lay up to the honours of the Peerage, the conferring of which was no expence to the Country. He declared that he would submit such farther observations as he had to offer upon the subject, when he should have an opportunity of doing so in the House, in a future stage of the business.

The
Solicitor
General.

The *Solicitor General* (Sir John Scott) having premised that he would collect what he had to say upon the resolution into as small a compass as possible, added that the arguments which they had heard that day, appeared to him to be of a species, which could hardly have been expected to have been stated in an assembly representing Englishmen, distinguished for their humanity, distinguished for their loyalty, distinguished for their respect and reverence for their Sovereign, and his Consort. They might, in that House, what arguments they thought proper ; but, the Country would not bear to be told, that, having resolved that it was not only their right to provide for the personal exercise of the Royal Authority, during His Majesty's unfortunate capacity, but that it was their duty also, and that they had exercised the right with a conviction on their own minds that they had done their duty. The Country, he must leave to repeat, would not bear to be told, that they had fulfilled this boasted duty, if they once forgot that they had King upon the Throne, and that being there, his personal capacity, and his political capacity remained whole and entire. What were the arguments that had been made use of that night ? Gentlemen seemed to have forgotten, that when there were to make a choice of evils, it was their duty, in such a case, to prefer that which appeared to be the least evil. When gentlemen told him, that by withholding the

of the Royal household, they should be guilty of a breach of the constitution, let them say how he was to diffuse his allegiance to the Sovereign on the Throne, without taking care that his resumption of his Royal Authority should be rendered as little difficult, when he should have recovered his health, as possible ? He did not speak with impunity towards the Regent, if he shewed that jealousy belonging to his character as a Member of Parliament, which it was his duty to shew respecting the other House of Parliament and respecting the executive government of the Country. They were not acting upon personal confidence, but upon public principles. But let them see what the Regent could do, and what he could not do. Suppose that His Majesty should continue ill six or twelve months. Let it be supposed that His Majesty might recover at the end of the month, and the bill expire in the fortnight next after the twelvemonth. In that case, suppose an advice that the House were to approach the Regent, and tell him, though you have submitted to these restrictions and limitations for a twelvemonth, yet, believe me, you have an inherent right to the exercise of the Royal Authority, do not submit to the restrictions which have been imposed upon you longer." Sir John declared, that he did not affirm that any person would be so bold as to advise him in any such case as a possible case; and it was parliament's duty to state the hypothesis, and provide against the danger in a circumstance. It had been asked by an honourable Member, what would prove the consequence if the Queen should suffer a demise ? In answer to that he asked, what would be the case if the Regent should suffer a demise ? They come down to that House, and provide a successor. In such exigency of affairs, how were they to do their duty to their Country ? They were to do it by the recollection that His Majesty's political character was entire, and that men were to act equal to that integrity, they would present proposition. The King on the Throne had been loved by his Subjects. It had pleased God to afflict him with a grievous calamity. In consequence of that calamity, it became necessary for that House to provide a person to exercise that part of the Royal Authority, which His Majesty, from his infirmity, could not exercise himself. His Majesty, however, was not likely to last long, and they were to consider what they had to provide, as a measure temporary, and by no means whatsoever permanent.

His Majesty might be well in three months ; therefore had a right to expect, that the House of Commons would execute its duty, and not forget the respect due to the Sovereign, whom they all loved. How was the

sense

sense of the People of England to be collected on the subject. Perhaps, if a right honourable gentleman was asked, he would adopt his first opinion, and say, "the sense of the People was spoken by their Representatives in that House;" he might take up his second opinion, and say, "the sense of the People can only be known from the People of England at large;" or he might go back again to his old doctrine and say, "the sense of the People of England can only be collected in the House of Commons." But let the sense of the People be taken at their bar, or in any other way language which they would undoubtedly hold would be, "What, could you not do your duty for three short months? Were you so hasty to dethrone the King, your Sovereign, to whom you have all sworn allegiance, who treated him with the grossest disrespect, and stripped of every mark of Regal dignity and distinction, after he had been ill no longer than a month?" What would people say, when they heard that it was refused to the March, by that set of men, who said it was the public opinion that they should be the Ministers of the Regent, although that wish had been circulated in whispers, so low in that every person had not heard it? Was it possible, that those gentlemen could seriously argue, that the Regent, the army, the navy, the church, and all the officers of the public revenue, at his command, could not carry on a vigorous and effectual government? It was not parliament's duty to state that the influence arising from the patronage of the Regent, was absolutely necessary to the carrying on of government, but where was the integrity of that House, if such arguments were used? Was there no man who would act under the impulse of an higher feeling, from a sense of duty from what they owed to their character, and to their Country? If the proposition was indefensible, he hoped that they should hear such a proposition as would not admit of a suspicion. He asked if His Majesty was not alive, and afflicted with a severe malady, and whether that circumstance was not a reason for giving him additional attendance, rather than taking that away which he had before his illness? A noble Lord, he observed, had said, that as soon as His Majesty recovered, and restored himself to the Throne, the gentleman would retire, and leave him in the undisturbed possession of the Government. It was the duty of that House to take care, that His Majesty should, in such a case, resume the reins of Government, but, they were not to leave it to chance, whether His Majesty might have it in his power to do or not. It had been urged, that the proposition gave a household, in its present situation, to the Queen, and that would be so much influence thrown into the hands of

sition. It was a gross and indecent reflection on the high and exalted character alluded to, to suppose that he would exert power for the purpose of opposing the government of her son, the Regent. No proposition could be suggested which was not clogged with some evil or other; but, of two evils he had chosen the least, and, in his honour and his conscience, he thought that the plan which the proposition contained, was, every circumstance of the case being considered, the most safe, most expedient, and most politic which could possibly be adopted.

Mr. Fox having adverted to the remarks which had been thrown out on the comparative talents of the two sides of the House, observed, that he could not deny that he had a partiality for the talents of his friends, and of those with whom he was nearly and closely connected by a similarity of opinion and conduct; but, partial as he was to their endowments and abilities, he disclaimed that want of candor which might induce him to withhold from gentlemen on the other side of the House, the just praise due to great ingenuity, and to eminent talents. That ingenuity, and those talents, had often been displayed on occasions in which he differed with them in opinion, and which occasioned him to lament that he was compelled to oppose ability so distinguished; but he must say that, on the present occasion, they had not furnished him with reason for such a lamentation. A measure supported with so little argument, he never witnessed. A debate like the present, in which so much had been said on the one side, and so little on the other, he did not recollect; and in this estimate of the matter, he must include the very laboured essay of the honourable and learned gentleman who spoke last. That the subject would not admit of defence was manifest from this, that even the honourable and learned gentleman, whose education and daily habits furnished him abundantly with the modes and forms of reasoning, and who, on other topics, had shewn so fruitful a mind, was, on this, unable to advance a single clear and unsophisticated argument for the measure which he espoused, but had, as heretofore, endeavoured to entangle the understandings of gentlemen in the intricacies of legal metaphysics. For his own part, in the discussion of the important question before them, he could follow the very proper example of an honourable and learned gentleman, whom he did not see in his place, in avoiding the utterance of a single word in praise of the personal virtues of the Royal and exalted persons who were immediately concerned. He would neither speak of the virtues of the Heir Apparent on the one side, nor of Her Majesty on the other; such eulogiums unquestionably were neither political nor perfectly manly. To say

that which none could contradict, was not manly, and to make the particular virtues of the present Royal persons an argument either for the adoption or rejection of a great measure, which might in its tendency apply to other times and other persons, was, surely, not political. He would rather make the honourable gentleman his model, who, at an early stage of this business, said that, in discussing it, he would not take into his view the plan of the Regency, as it related to the Prince of Wales, but as it might relate hereafter to the Prince of Wales; so he would not consider the present resolution as it affected the Queen, but as it might affect a Queen; abstracting from the question every personal motive, and viewing it as it might apply to other times and to other persons, and to its future probable consequences on the Government and Constitution of the kingdom. The honourable and learned gentleman had begun his speech with a repetition of that doctrine which he had early started, and frequently pressed in debate with the existence and union of the personal and politic character of His Majesty. "I hat the King's political character was, in the eye of the law, inseparable from his personal—that it remained entire and perfect—and would continue so to do until his natural demise."—His doctrine, which had been frequently urged, he had endeavoured in vain to have explained; for, how that person, whose political faculties were confessedly suspended by a severe visitation of Providence, could still exist in the full enjoyment of his political character, was beyond his understanding to comprehend. The doctrine partook of, and seemed indeed to be founded on, those early and blind notions, by which, as they all knew from history, human ~~mis~~actions had been deified, and by which, for the purpose, perhaps, of impressing a strong and implicit reverence in the minds of the multitude, the fables of men were stated to be of divine origin. That resort was had in those early times to such means, for wise purposes, by men superiorly gifted, he was not unwilling to admit; and that, even in our own history, there might be, and certainly were, among that description of persons in our own country, who, at different times, bore the epithets of Tories, High Churchmen, and so forth, several who might think that, by propagating the idea of divine right, they surrounded the person of Majesty with a mysterious grandeur and authority, which inspired in an enthusiastic people a more prompt and steady obedience. If such was the view in which the honourable and learned gentleman wished to consider this mysterious character of complete political existence, without political capacity, he could only observe on his doctrine, that he took up the superstitions of religion, and rejected the morality; ^{Mr.} while

thus enveloped the sacred person of Majesty with a veil, which, by ancient superstition, was calculated to inspire awe, and secure obedience ; he laboured therefore to cripple the arm of Government, to cripple it in all its most essential parts ; to expose it to hostile attack, and contiguous contumely ; to take from it the dignity which tained to itself, and the use for which it was designed to the People. Such was the tendency of this mental doctrine—a doctrine which, though it might have profelytes in the dark and gloomy days of antiquity, was calculated for the intelligence and just understanding the relative duties of Sovereign and subject at the present. The honourable and learned gentleman, in the statement of his doctrine, said, that his allegiance would continue during the life of the King, whatever might be the condition of his mind. That duty, loyalty, affection, and rational sentiment which could animate the breast of a gentleman, would lead them all to venerate, to love, to protect the sacred person of His Majesty, however and however calamitous his malady might prove, was being so predominant, that it was not necessary to take moment of their time in asserting its existence. But, the honourable and learned gentleman stated this as a definition of allegiance, he must enter his protest. He, in part, considered allegiance as a reciprocal duty, springing up in the heart, in consequence of protection, and was of equal existence. If the honourable and learned gentleman's definition of allegiance was true, and that not resting either on the political capacity, or the exercise of natural capacity, but on the bare personal existence of the King, then, all which they had heard that day from a honourable and learned gentleman, who spoke early, (Mr. Las) and from the honourable and learned gentleman himself, that these limitations were but temporary, and the time would come when they must be revised, and all power be given to the Regent, was all inconsistent and impossible. For, whether the King's malady endured for a year, or thirty years, it was precisely the same in the application of this doctrine, and the Legislature could vest the full powers of the Crown in any other hands, the person of the King remained. That such was the intent designs of gentlemen on the other side of the House I not doubt ; and if the honourable and learned gentleman would speak out, he was sensible that he would say this was his feeling and determination on the subject. In the present moment, they thought it prudent to conceal this intention. Gentlemen, however, could not be deceived—could compare the argument with the assertion. The

argument was, that he felt and acknowledged the ~~immovable~~^{inimitable} perfection of the King, to which he had sworn ~~allegiance~~^{oath}. The assertion was, that if he did not recover within a short time, the two Houses must alter the present arrangement, and give to the Regent full authority ! The honourable and learned gentleman had cursorily mentioned the time when, perhaps, it might be proper to review those restrictions. Perhaps, at the end of a twelvemonth, it might be proper. "But," says he, "if, in the present instance, the Houses were to limit the duration of them to twelve or eighteen months, at which time they should cease of course, and the King should recover his faculties but a fortnight after the restraints had ceased, what evil consequences might not ensue from that single fortnight of uncontrolled power !" What consequences ? Let us examine, said Mr. Fox, what, even in the full stretch of the honourable and learned gentleman's fears, they are likely to be, and what, on the contrary, are likely to prove the consequences of passing this Regency bill for an indefinite time. In this dreadful fortnight, the unrestrained Regent might, perhaps, in the full exercise of his authority, dismiss the Lords of the Bedchamber, and change the white staves; nay, perhaps he might send a few gentlemen from the Commons into the House of Peers. What is the mighty evil of this ? At the end of one fortnight, the King re-assumes his power—the Bedchamber Lords are sent for again, and the staves are replaced; all that remains of the evil, are the Peers, who in that space may have been created. Compare this sum of evil with that which may ensue from making this Regency indefinite as to term. The power of restoring to the executive Government the just prerogatives which belong to the third estate, is taken away, and perhaps cannot be resumed. The House of Lords having gained the important point of preventing the Regent from adding to their number, may not, and they are not likely, to concede it again; and thus, during all the life of the Sovereign, if he shall continue indisposed, there would exist no power of resorting to that remedy against cabal and confederacy in the House of Lords, which the right honourable gentleman himself had acknowledged to be a probable evil, for which the Constitution had provided so prompt a remedy. The right honourable gentleman himself had, in the course of four years, granted forty-two Peerages, although in that time he had not heard of any confederacy existing in that House against his measures. There was, he said, in the breasts of the great men of this country, such a love for the Crown, that there was no fear of any factious measures being suffered to prevail. The Peers were so distinguished for their love of the Crown, that there could be

for the party whom he had first
enamoured, if the Regent were to make
himself, &c. were so lavish of honours, as to
give forty-two, in imitation of the right honourable gentle-
men, whom such a cabal and confederacy might be formed
to subserve and endanger the safety of the King. Love for the
Queen would be extinguished, if favour came from the Re-
gent. The prerogative was harmless, while executed under
the auspices of the right honourable gentleman. It would
become dangerous, if put into the hands of the Heir Appa-
rent. Of precisely the same spirit was their argument for
placing the household in the power of the Queen. In Her
Majesty's hands it would be helpless, weak, and impotent, if
applied to any political purpose; it could not affect one mea-
sure of the Regent's government; but, if placed in the hands
of the Regent, it would inevitably prevent His Majesty's re-
turn to power! To all this train of paradoxes, there was
no general solution—they wished to insinuate and to pro-
tect the base and scandalous idea, however artfully for the
time they disguised their purposes, that a division might take
place between the mother and the son. They affected to
use a tolerably intelligible language that the son might
combine against the mother; but, really, with the idea of
leaving to the herd to imagine the converse of the proposi-
tion, and that, from history, it was as probable that the
mother might combine against the son. He could not utter,
in a word, of sufficient indignation, his abhorrence of such a
plan; and yet he was ready to confess, that the machination
of accomplishing the purpose was artfully laid. It was
coupled in an observation of human feelings; it was drawn
from the speculation, that, though in good minds there was a
disposition to harmony, yet, persons put into a state of com-
petition, however nearly connected by blood, by duty, by
affection, were thrown into a state of mutual jealousy, to a
degree inseparable from human being. Thus, we frequently
saw that competition endangered the existence of the purest
and the most tender feelings; that it sometimes broke the
most intimate connections; and it was, in truth, a maxim,
that nothing characterized so truly and forcibly the features
of a noble and god-like mind, as to continue free from jea-
lousy in a state of competition. How much must those per-
sons have to answer for, who, with a perfect and complete
knowledge of this weakness of human nature, yet wickedly
and wantonly pursued a measure calculated to involve the
empire in the calamity. He trusted to Heaven that the pur-
pose would be prevented. He had confidence in the ardent
love and noble feelings which animated the bosoms of the
distinguished persons, and he hoped that no artifice, how-
ever

overbase ; no advice, however sufficient, in preventing overthrowing within their breasts the sentiments of which they mutually owed to the country. But, the right honourable gentleman had remarked, that he was not to set up a factious opposition. He was one of those persons who had been so long accustomed to opposition, as to have a kind of fondness for it. He was by no means unwilling to see an opposition strong, watchful, and systematic ; because he thought that there might be a sincere, as well as a systematic opposition. He conceived, however, that no opposition ought to be armed with such powers as the present scheme was calculated to give to those who should oppose the government of the Regent ; for, as the patronage and emoluments of office fairly belonged to the servants of the Crown, and to those who acted with them, so he thought it an incumbent duty on those who opposed Government, that by relinquishing all share in that patronage, and those emoluments, they gave a pledge to this country for the sincerity of their opposition. It had been argued by an honourable gentleman (Mr. Pulteney) that without the household, the Regent's government would have power enough ; that it would have power enough for good purposes, and it ought not to have more. If it should be found that the Regent had power enough, then, surely, it behoved the House to resolve, either on the recovery of the present King, or on the accession of his successor, to take from the Crown all these prerogatives which were held over from the Regent. It should be a principle in all good government to give no power which was not actually necessary to its purpose, or, in other words, necessary to the power of doing good. The wisdom of our ancestors had maturely vested in the hands of the King all the prerogatives of the Crown, for the purpose of good government ; and now, we were to establish a Government, without the powers which the Constitution declared to be essential to its well being. Mr. Fox declared, in answer to an observation of Mr. Pulteney, that in going into office he expected to have the power, patronage, and emoluments of office : the emoluments were of little value, as the right honourable gentleman well knew, since every Minister was obliged to incur expence fully proportionate. But, if he intended to be honestly useful, he must have the fair means of carrying these intentions into execution. If he had to employ confidential persons in national and necessary services, he must enjoy the means of rewarding them. If this was to be called ambitious, he pleaded guilty to the charge. It was, however, an ambition constitutional, and, in his mind, necessary. He would, for a moment, put the case to gentlemen on the other side, on their grounds of estimation of the Minister. He had, in the four

He proceeded to many acts wisely, especially for the Country. Grant the fact; did he not abuse the power of the Crown in the way of emoluments, and patronage? It was contended, that the Bedchamber Lords were foolish and so easily disposed to act with Government, that they never would resist a good measure. This was one of the inexplicable assertions which he did not know how to meet. Was it meant to say that this corps of officers had such a want of sagacity to discover, together with such a want of readiness to pursue what was right, that they acted ~~blindly~~ ^{themselves}, without leader or direction? He was ready to confess them rather to be good troops, well disciplined, manly, and obedient; ready to be brought into the field of battle, and there firm and active, while engaged, but they were all this, only while under the command of the Crown. How did he know what they might do, if put under another command? This prætorian band might turn back, and fly from the field. He wished that some generous friend of the Ministry would rise up, and honestly confess what ground he stood upon in this business; that he distrusted the one side of the House, and that he voted for these restrictions, because he had an implicit confidence in the other. That the wicked politics of the Duke of Portland, the interested party of Earl Fitzwilliam, the corrupt ambition of Lord ~~John~~ Cavendish, determined him against entrusting power in their hands, and that on the other side he could not discover even faint portraits of these Catalines and Cætheguses. It was his earnest wish that gentlemen, if they distrusted, would do constitutionally. If they preferred A. to B. the power of that House was yet, he trusted, sufficient to turn them out of office; and especially, if the persons in office were of that description who bowed to the authority of Parliament. Instead of this manly and constitutional mode, the right honourable gentleman opposed men by crippling Government. To prevent that party from enjoying office, whom he thought ineligible, he attacked and violated the Constitution; he destroyed the balance of the three estates, and endangered, for an unlimited time, the existence of every thing essential in the Government for the well being of the country. It was rather singular, also, that they did not perceive the positive weakness of their principal argument in another way. They objected to trust the household in the power of the Prince, because he might change the King's servants, and yet they put it into the power of the Queen, who might remove them at pleasure. Why might they not be changed by Her Majesty and her Council of Advice, as well as by the Regent? The danger was precisely equal. It had been contended,

tended, that, in the India bill, they had attempted to establish a fourth estate, unlike the present, as would have made them for ever independent of the Crown and of Parliament. The precise fact was, that the India bill, whether a bill or not, was limited in its duration, and the fourth estate as it was called, could not be revived, without an act of Parliament. Now, the fourth estate so benefited by this resolution, was to be established for ever; it had no period. "But, the patronage given to the fourth estate—'the India bill,'" say they, "was given to subjects, instead of being given to the Crown." It was given to subjects undoubtedly; but, it was taken from one body of subjects and given to another. It never did belong to the Crown. Now, this fourth estate was taken from the Crown; in which the Constitution had originally placed it, and given to subjects. He was astonished that the honourable gentleman (Mr. Pulteney) who had taken so active a part in supporting what he thought the hazards of the India bill, should with his eyes on the present so much more enormous power of patronage seized on from the Crown, and put into different hands from the executive power.

With respect to the grounds of a speedy recovery, which the right honourable gentleman held out, and which formed the only topic of his argument, he did not mean to say one syllable. If it were true, as it certainly was not, it must prove a serious thing to change the Royal person; it was a more serious thing to change the nature of the kingly office. It might be for a short time; it might be for a long time; it was certainly for an indefinite time that they were to change the constitution of the country, and all this was to be done on the report of the physicians. Physicians acknowledged that the science of physic was the most uncertain of all the arts; and that of all the branches of physic this particular malady was the most uncertain. So that they were, for an unlimited time, to change the nature of the third estate, to impoverish and weaken the executive, to create a new estate in the country; and all this, on the report of the most uncertain case which comes within the view of the most uncertain of all sciences. He had observed that to change the nature of the kingly office, was a more serious thing than to change the person of the King. The Constitution provided only for the Crown. The King, according to the Constitution, was nothing; the King might die, the King might be imbecile; the Constitution, carelessness only of the Crown, was careless as to the precise ability of the King. It made the kingly office hereditary, from consideration that the Crown being permanently and continually the same, full and authoritative, was less liable

to the person to wear the Crown, since it was guarded, guided and restrained, by positive laws. To entrust, therefore, the Crown, was a truly serious point. Its prerogatives were to be put into the custody of the two Houses of Parliament, and they were proceeding to impair the Crown, for the sake of the King. If it should be said that the two Houses of Parliament, would, no doubt, restore the prerogatives now taken away, he would ask them how they could answer for their successors. An honourable Member had signified a desire to know what the consequence would be of the demise of the Queen? If the Prince Regent should die, the course was easy and simple. The next Prince in succession, the Duke of York, if alive, or Prince William, would be appointed to the Regency; but, if the Queen should die, in whose hands would they place the custody of the King? In those of the Duke of York! Would they strive to divide the Royal brothers? A task, which, he believed, they would find as difficult as to remove the planets from their spheres. In whose hands would it be placed, joining therewith the patronage now to be entrusted with the Queen? It was said, "Why object to this establishment, since an establishment for the Prince of Wales was never objected to, on the score of its giving an influence?" This was a most extraordinary argument. Because three or four places were not dangerous, it was asked, why be alarmed at 400? Because 50,000l. did not appear dangerous in the hands of the Heir Apparent, who had a great House to maintain, were 300,000l. to be divided? Besides the Prince's establishment, the small revenue from Cornwall excepted, was in the gift, and annually depended on the pleasure of the King. Several Lords in this Country, and even some Commoners, enjoyed a more ample revenue than the Prince of Wales, because they had occasion for a less burthensome establishment. It was idle and ridiculous, therefore, to compare the two points together. The argument of the splendour of the King, was still less to be regarded. What! did they mean to say, that during the unhappy malady of the King, they wished to exhibit the Royal person with all the equipage and regalia of State, which were only applicable to public situations! It was insulting to the wounded feelings of the Royal Family, to imagine so indelicate and so gross a circumstance. Either from generosity, or in the spirit of reciprocity, an honourable gentleman (Mr. Pulteney) had contended, that there was no situation, in the present state of Europe, which could give just reason for a strong government. This evidently alluded to the present deranged condition of France, of which the inaugura-

ble Member had lately been a spectator, and if the hon^{ble} gentleman meant that the low circumstances of Fraⁿce ought to induce us not to assail her when helpless, the argument had the generosity natural to the honourable Member; but perhaps it was founded in that principle of reciprocity which had lately prevailed, with respect to that rival power; that because she was lowered and embarrassed, we must lower ourselves to her standard; that this was to be done on motives of reciprocal affection, for the purpose of preserving the understanding which now subsisted between us undiminished. There was a fellowship in misery, that endeared its object to each other. Misery made us acquainted with strange companions; it levelled the superiority of pride; it soothed the asperities of opposition. Degraded and sunk to the condition in which France perhaps was at this moment, would be thought an eligible mode of preserving her friendship, and preventing giving alarm to the rest of Europe. Unless for these reasons, he saw nothing in the present state of Europe to induce us to suffer, much less voluntarily to embrace, a weak government. The right honourable gentleman (Mr. Pitt) had not explained to the Committee these very essential points. If this household was to be established in the custody of the Queen, when was the provision of which he spoke of as being necessary for the state of the Regent to be made, and what was to be the extent of it? This ought to have been mentioned. In his mind, the civil list would prove amply sufficient, both for the provision to the Queen in her care of the King's person, and also for the state of the Regent, if this ridiculous and absurd scheme was not pursued. Upon this occasion, Mr. Fox said, it may ~~not~~ be a matter of delicacy to state the opinion of His Royal Highness, but I know it to be the sentiments of His Royal Highness, that it would be highly irksome to him in the present melancholy and calamitous situation of the Court to add any new burthen, for the purpose of increasing the state and dignity of his own situation. He added, that perhaps this was not perfectly regular for him to state, but he knew it to be the sentiment of His Royal Highness, who did not consider the observation as improper, he had mentioned it to the Committee. The other point upon which he wished for information, was the ideas of the right honourable gentleman, whether these restrictions were to have a limited duration, and what he should think the proper time for their conclusion. In conclusion, Mr. Fox expressed his certainty, that when the Public came to view the whole of this scheme, and to compare it with that fourth estate, which they had heard so much, they would see that this contained all the mischiefs that were only attributed to

and that this was in truth calculated to confer a favour, and not to interfere with the good government of the country. Mr. Wilberforce remarked, that not the Prince, but a ^{Mr. Wilberforce} ~~man~~ might prove so powerful as to cause a King to be deposed. A person, he said, like his honourable and learned friend (Sir John Scott) who had applied himself with diligence and success to the study of the law, could not be supposed to have by such means weakened his understanding. From the superior knowledge of parliamentary forms which his honourable and learned friend had thus acquired, he was often inclined to think that gentlemen would be apt to suspect his intentions were rather to mislead, by dint of superior ability, than to convince by fair argument. If the power of the King were diminished, the government of this country was weakened; and so if the power of the Regent were diminished, the government of the country was likewise weakened. Mr. Wilberforce observed, that the right honourable gentleman who spoke before him, had proved himself to possess more religion than he thought belonged to him; when he spoke so much against superstition, he could attribute it only to the disgust which he must have felt for the religious rites of the foreign countries through which he lately passed. It was much more easy in any situation, to prevent the King's return to the Crown than gentlemen might imagine. Had not the right honourable gentleman yet forgotten his foreign politics? Was he so eager to avail himself of the imbecility of the French government, and to take the field against our former enemy? If we gave all the Royal powers, with those restrictions only which had been proposed by the Prince of Wales, sufficient authority would be given for the necessary purposes of a Regent. The Prince might be declared Regent, but it behoved the House to take especial care, that during the lifetime of his father, he was not placed upon the Throne.

Mr. Drake said, there were very few cases in which he must be obliged to differ from the right honourable gentleman, at the head of His Majesty's Exchequer; that he admired his character and talents, but, on the present occasion, he could not help differing from the right honourable gentleman. Mr. Drake urged the House not to embarrass Her Majesty, by ~~forcing~~ ^{her} out of the domestic station, in which she had so long moved, with so much virtuous attention to her family, ~~and~~ ^{of} all who knew Her Majesty, that she never had studied with politics, why then should she now be compelled to become a partisan? He conjured the Committee, on the present occasion, to act with one wish, one feeling, one loyalty. ~~He spoke of the wonderful abilities of the two great~~ ^{leaders}

leaders of the different sides of the House, and said he hoped to see the time, when these two great characters should no longer be acting as political adversaries, but, in concert, operating in measures, calculated for the general good. With regard to the retrenching of the Royal household, Mr. D'Israeli said, he could not but think, from the situation of His Majesty, that he could not want the higher household servants of the Crown about him. An honourable friend of his had moved an amendment, which he should have offered, had it not been proposed, and that was to simplify the question as it stood, it was far too complicated. He was glad, therefore, that it had been moved to divide it; he did not, however, like the Minister's adherence to the proposition in the complicated and entangled form in which it had been originally moved; and he declared, that if he had not a large share of confidence, he should have entertained a great deal of suspicion on that account.

Mr. Chancellor Pitt. Mr. Chancellor Pitt observed, that he must still contend, in despite of some late ingenious, but not convincing, arguments, that it would not be necessary for him to prolong the debate by any farther reasoning in support of the motion. The right honourable gentleman had been pleased to say, that he could not discover either argument or talent in any of those who had spoken in favour of the question; he happened to differ from the right honourable gentleman, and was persuaded he had heard a great deal of both from several gentlemen, but most especially as much of each as could be advanced and displayed in a small compass, from an honourable friend of his who had lately sat down. He said, he would not enter into argument again, but proceed to answer two points, which had been put to him by way of question. The first of these was, a question when the restrictions would be taken off the Regent? With regard to the precise time, there was great difficulty and inconvenience in fixing that. If, contrary to his sanguine expectation and belief, the King's recovery should, after some time, be protracted, and His Majesty's physicians should pronounce that it was not likely to take place soon, in that case, he should be of opinion that they must be taken off altogether. With respect to the restriction of making peerages, when the time he had described should come, that restriction ought, in his mind, to be given up, and done away. At the period he had described, the establishment of the household might be revised and new modelled. Some provision, also, must be made respecting the real property of the Crown; and, as to the places for life, patents, and others, he should then think it expedient to give the Regent a power to grant such as had always been places for life. Another question had been

ambition, in which he was extremely desirous of giving an additional fund, it was, what the sort of provision was, which was to be made for the support of the dignity of the Regency and when it was to take place? With regard to the former, he should think that immediately after the bill for the creation of His Royal Highness the Prince of Wales as Regent, the next thing that followed ought to be the providing a proper retinue to support the Prince of Wales's dignity of Regent with becoming dignity and splendour. As for the question of what this provision was to consist in, that was not in his own mind fully determined. With regard to His Royal Highness's declaration, as insinuated by the right honourable gentleman, that he would lament any addition being made on his account to the burthen of the publick, every man, Mr. Pitt said, must applaud the magnanimity and liberality of the sentiment, a sentiment which His Royal Highness had inherited, he had no doubt, from the liberality and magnanimity of his princely father; but though he was peculiarly well aware what heavy burthens the People sustained, and since he had the honour of being in His Majesty's service had felt the painful task of being obliged to add considerably to those burthens, in order to meet the exigencies of the country, and endeavour to restore its lost commerce and sinking credit, (an endeavour which he had the happiness of seeing crowned with the most ample success, the good sense and firmness of the People inducing them cheerfully to submit to burthens, of which necessity demanded the imposition); yet, notwithstanding such circumstances, nothing should deter him from coming forward, and proposing a new establishment, suitable to the rank, the character, and the dignity of the Regent. Nor would he think of taking the sum necessary to provide for this establishment out of the civil list, which was the property of His Majesty; but he would fairly appeal to the publick, by whom he had been so highly favoured, not doubting but that they, who had so cheerfully and so successfully contributed so much, and seen their credit and their commerce restored and raised, in consequence, to a most flourishing state, would with equal cheerfulness contribute, what (compared with the money which had been before raised upon them) was but little indeed, in order to provide for so unavoidable and so singular an exigency. He knew not whether he should be left to propose this matter, or whether it might not devolve to other hands; but, whether in or out of office, he should be ready to stand forward on such an occasion, and place the expence where in his mind it ought to fall, upon the publick purse of the country.

Mr.

Mr. Sheridan observed, that it was not an agreeable task to enter on the degree of comparative abilities, with which the resolution had been debated; and the more so, when the person who undertook to comment upon the matter, had himself been principally concerned in the debate. The right honourable gentleman's explanation required an explanation. The right honourable gentleman had given his right honourable friend no answer whatever as to the time when the restrictions would be taken off the Regency, in case his expectations of His Majesty's recovery should prove to have been unwarranted, as he verily believed they would turn out. And there was another matter of no small importance, respecting which the right honourable gentleman had not said one word, and that was the Council to be provided for the Queen, as guardian and trustee of His Majesty's Royal person. The right honourable gentleman, on his first opening of his plan, on a former day, had omitted to state even that there was to be a Council, till the resolution came to be read, and then the right honourable gentleman had started up, and put in his Council, like the postscript to a letter, or a matter of trifling consequence, taking care to tell them no more, than it was to be a Council of Advice, not a Council of Controil. But the nature and constitution of the Council ought to be explained, and the Committee ought to be told of whom it was to consist, before they were called upon to vote it.

Mr. Chancellor Pitt answered, that had he not been resolved to leave no point whatsoever without an explanation, the manner in which the honourable gentleman had called for an explanation would have caused his silence. It was impossible for him to say when the restrictions would be fit to be taken off the Regent, in case His Majesty should not recover, as was expected, but Parliament would always have it in its own power to remove them. With regard to the Council, he thanked the honourable gentleman for having given him an opportunity of explaining its nature and constitution, which he should have been sorry to have left unexplained, and it really had escaped his recollection. Mr. Pitt then stated, that the Council was to be solely a Council of Advice, and in no sort a Council of Controil. It was to include in it all the great officers of His Majesty's household, with some of the right reverend Prelates, to give it the gravity and solemnity due to its importance.

At length the Committee divided on the question, that the words in the middle of the question stand part of the motion.

Ayes 229; Noes 165. Majority 64.

Mr.

Lord North then moved, "That the words "for a limited time," be added to the motion;" upon which the House divided.

Ayes, 164; Noes, 220.

Mr. Pulteney moved, "To limit the duration of the Regency bill to one year." On a suggestion from Mr. Pitt, that the proper time for discussing such a question, would be when the bill was actually brought in, the motion was withdrawn.

Mr. Rolle now observed, that he had given his vote for the appointment of the Prince of Wales to the Regency, under a conviction derived from an assurance communicated by a right honourable gentleman (Mr. Fox) last year, that His Royal Highness was not married. His constituents, however, has directed him to solicit fresh information on the subject. He therefore begged leave to appeal once more to the right honourable gentleman.

Sir Francis Basset observed, that it was a most indecent practice to agitate questions of this sort, where the very persons who proposed them were obliged to ask for information on which to ground them. If the honourable gentleman knew any thing on the subject, let him bring forward a motion founded on that knowledge. If he did not, it was at once informal and indecent to throw out insinuations, which were so far from being founded in fact, that the author of them was compelled to have recourse to other Members of the House, to try if he could not obtain that information, without which, in the first instance, he ought not to have taken a single step in the business.

Mr. Rolle appealed to the Chair, whether he was disorderly, repeating his former words. He added, that having heard from a right honourable gentleman (Mr. Fox) on a former occasion, an explicit disavowal of any such marriage, though he had since heard and read that the disavowal was not warranted, he nevertheless so far trusted to the right honourable gentleman's declaration, as to agree to make the Prince Regent. He meant, however, when the bill was brought in, to move several clauses upon that point, which no threats or opposition should induce him to decline producing. Lord North reflecting upon Mr. Rolle for what he had said, he declared that he alluded not to anonymous publications, but to a pamphlet, with a name to it at full length.

Lord North replied, that an assertion at the very beginning of that pamphlet was sufficient to discredit it; for, the author (Mr. Horne Tooke) who was a very ingenious gentleman, set out with declaring, that the marriage a^d was no

Sir
Francis
Basset.

law; and if assertions of that sort, stating an act passed by King, Lords, and Commons, was to be believed, we were in a state of nature, and there was an end of all government.

Mr. Pulteney proposed some words, to limit both the restrictions, and the whole power of the Prince.

Mr. Chancellor Pitt observed that, although he rather preferred leaving the period for the limitation both of the restrictions and the whole power of the Prince, unsettled for the present, yet, he had no particular objection to limit the duration of the whole bill, as the whole settlement of the Revenue would then undergo a proper consideration, and the strong objections which he had made against limiting the restrictions only, would, in a great measure, be obviated.

Mr. Fox rather agreed with Mr. Pulteney, but begged the House to observe, that they were in truth turning the constitution into a republic, by such repeated elections of the Chief Magistrate.

The proposition was agreed to be withdrawn at present, in order to be proposed again in the bill.

This conversation over, the reports were read a first and second time.

An amendment was proposed, after "empowered" to insert "for a time to be limited. Withdrawn by leave of the House.

In the second resolution, after "extend," to insert "for a time to be limited." Negatived.

In the third resolution, the same amendment; and after the word "offices" to insert "as were on the first day of November last holden for life, except such offices." Negatived.

Then the third, fourth, and fifth resolutions were read and agreed to, and ordered to be communicated to the Lords at a conference; and that Mr. Wilberforce do go to the Lords, and desire such conference.

The House adjourned.

11. **LISTS** of the MAJORITY and MINORITY on
Questions respecting the REGENCY. With a List of those
Members who have NOT voted on those Questions.

MAJORITY on the Questions respecting the REGENCY.

| | |
|---------------------------------------|--|
| TRUMBIE, B. <i>Clackmannan</i> | Brickdale, M. <i>Bristol</i> |
| W. <i>Torquay</i> | Brodie, A. <i>Nairn County</i> |
| J. Totness | Brooke, T. <i>Newton, Lancashire</i> |
| John, H. Devizes | Browne, J. <i>Hawkins, Bridgenorth</i> |
| ton, Fleley, Truro | Browne, F. J. <i>Dorsetshire</i> |
| er, J. Queenborough | Brudenell, G. B. <i>Rutlandshire</i> |
| J. Southampton | Burges, J. B. <i>Hilstone</i> |
| y, F. Reading | Burton, F. <i>Woodstock</i> |
| Lord, Cirencester | |
| Sir R. P. Alabrough | Call, J. <i>Cullington</i> |
| Lord, Launceston | Calver, J. <i>Hertford</i> |
| H. Corfe Castle | Calver, J. Jun. <i>Tamworth</i> |
| R. Kincardineshire | Campbell, Lord F. <i>Inverary County</i> |
| F. Grampound | Campbell, Ilay, <i>Glasgow, &c.</i> |
| I. Exeter | Carew, R. P. <i>Ryegate</i> |
| Bartie, Dunwich | Caswell, T. <i>Brackley</i> |
| Isaac, Calne | Cawthorne, J. F. <i>Lincoln</i> |
| ton, J. Newton, Hants | Cecil, Henry, <i>Stamford</i> |
| R. St. Ives | Chaytor, W. <i>Heydon</i> |
| Edmond, Dartmouth | Cocks, Hon. J. S. <i>Grampound</i> |
| P. Eye | Colt, R. <i>Lymington</i> |
| Lord, Bath | Cornwallis, Hon. W. <i>Portsmouth</i> |
| N. Anglesea | Cotton, Sir R. S. <i>Cheshire</i> |
| Edw. Hindon | Courtoon, Earl of, <i>Marlborough</i> |
| Lord, Totness | Crickit, C. A. <i>Ipswich</i> |
| H. Tarmouth | Cruger, H. <i>Bristol</i> |
| W. Reygate | Crutchley, Jeremiah, <i>Horsham</i> |
| Hon. G. Gloucestershire | Curzon, P. A. <i>Leominster</i> |
| Sir Cecil, Bramber | |
| J. Lancashire | Darell, L. <i>Heydon</i> |
| M. Maidstone | Dashwood, Sir H. <i>Woodstock</i> |
| Corfe Castle | Dawes, J. <i>Hastings</i> |
| Castle Rising | Denham, Sir J. S. <i>Lanarkshire</i> |
| R. W. Chester | Devaynes, W. <i>Barnstaple</i> |
| Hugh, St. Mawes | Dickins, F. <i>Cambridge Town</i> |
| W. A. S. Truro | Dimsdale, B. <i>Hertford</i> |
| G. Queenborough | Dolben, Sir W. <i>Oxford University</i> |
| T. B. Essex | Douglas, A. <i>Forfarshire</i> |
| C. Newcastle | Douglas, Sir G. <i>Koxburghshire</i> |
| Sandwich | Drake, W. Sen. <i>Agmondesham</i> |
| XXV. | Drake, W. Jun. <i>ditto</i> |

Drummond, H. *Midhurst*
 Drummond, J. *Suffolk*
 Duncomb, H. *Yorkshire*
 Dundas, H. *Mid-Lothian*
 Duntze, Sir J. *Tiverton*
 Edgecumbe, Hon. R. *Fowey*
 Edmonston, Sir A. *Irvine Borough, &c.*
 Edwin, C. *Glamorganshire*
 Egerton, J. W. *Brackley*
 Egerton, W. *Hindon*
 Eliot, Hon. E. J. *Liskeard*
 Eliot, Hon. J. *Liskeard*
 Ellis, J. T. *Lezwithiel*
 Estwick, S. *Westbury*
 Euaston, Earl of, *Cambridge University*
 Fane, Hon. H. *Lyme Regis*
 Fane, Hon. T. *ditto*
 Fanshaw, R. *Plymouth*
 Fellows, Wm. *Andover*
 Ferguson, Sir A. *Edinburgh*
 Fife, Earl of, *Elginshire*
 Fitzroy, Lord C. *St. Edmundsbury*
 Fleming, J. *Southampton*
 Flood, Rt. Hon. Henry, *Seaford*
 Fluyder, Geo. *Chippingham*
 Fraser, J. *Gatton*
 Gamon, R. *Winchester*
 Gascoyne, B. *Liverpool*
 Gideon, Sir S. *Coventry*
 Gilbert, T. *Litchfield*
 Gipps, G. *Canterbury*
 Goddard, Ambrose, *Wiltshire*
 Gordon, Lord W. *Invernessshire*
 Gordon, J. *Stockbridge*
 Gough, Sir H. *Bramber*
 Gower, Earl, *Staffordshire*
 Gower, Hon. J. L. *Appleby*
 Graham, Marquis, *Great Bedwin*
 Grant, J. *Sutherlandshire*
 Gregory, M. *Newton, Hants*
 Grenville, Rt. Hon. James, *Buckingham*
 Grenville, Right Hon. W. W. *SPEAKER, Bucks*
 Grigby, J. *Suffolk*
 Grimstone, Visc. *Hertfordshire*
 Grimston, Hon. W. *St. Albans*
 Grosvenor, Hon. T. *Chester*
 Hales, Sir P. *Marlborough*
 Halifax, Sir T. *Aylesbury*
 Hamilton, J. J. *St. Germain*
 Hamilton, J. *Haddingtonshire*
 Hammett, Sir B. *Taunton*
 Hardinge, G. *Old Sarum*
 Harley, Rt. Hon. T. *Herefordshire*
 Hawkins, C. *St. Michael's*
 Henniker, J. *New Romney*
 Herbert, Lord, *Wilton*
 Hill, Sir Rich. *Shropshire*
 Hill, J. *Shrewsbury*
 Hinchingbroke, Visc. *Huntingdonshire*
 Hobart, Hon. H. *Norwich*
 Hoghton, Sir H. *Preston*
 Home, P. *Berwickshire*
 Hohart, R. *Bramber*
 Honeywood, Sir J. *Steyning*
 Hood, Alex. *Bridgewater*
 Hopkins, R. *Dartmouth*
 Hopkins, B. B. *Ilchester*
 Howard, Sir G. *Stamford*
 Howard, Hon. R. *Steyning*
 Hungerford, J. P. *Leicestershire*
 Hunter, J. *Leominster*
 Jekyll, J. *Calne*
 Jennings, Geo. *Tbetford*
 Jervis, Sir J. *Yarmouth*
 Johnes, T. *Radnorshire*
 Johnston, Sir James, *Dumfries*
 Irvine, A. *East Looe*
 Kempe, T. *Leves*
 Kensington, Lord, *Haverfordwest*
 Kent, Sir C. *Tbetford*
 Knight, J. G. *Aldborough*
 Kynaston, J. *Shropshire*

lam, Sir J. *Northamptonshire* Orchard, Paul, *Callington*
 ton, John, *Sudbury*
 les, E. *Northallerton*
 ey, Sir R. *Warwickshire*
 t, Lord G. *Sussex*
 ullier, B. *Andover*
 s, Sir W. *London*
 ln, Earl of, *East Retford*
 ton, Sir Edw. *Staffordshire*
 a, W. *Worcestershire*
 Charles, Rye
 Sir J. T. *Wiltshire*

onald, Sir Arch. *Newcastle*
 et *Line*
 namara, J. *Leicester*
 reth, R. *Ashburton*
 ocks, J. *Westbury*
 Dowall, A. *Wigtown*
 waring, W. *Middlesex*
 ers, R. *Bedwin*
 n, J. *Tewksbury*
 rt, T. *Gloucestershire*
 ey, Sir J. *Surrey*
 ey, G. *East Grinstead*
 tier, Paul le, *Southwark*
 lf, P. *Horsham*
 eton, Sir C. *Rochester*
 eton, W. *Ipswich*
 s, R. S. *York*
 un, H. *Oakhampton*
 rd, John, *Bearalston*
 o, Sir Hector, *Inverness*, &c.
 ague, M. *Boffey*, &c.
 e, J. *Selkirk*
 ington, Earl of, *Windsor*
 mer, H. W. *Shaftesbury*
 rae, Lord, *Newark upon*
 nt
 aster, Ld. *Milbourn Port*
 ey, Hon. J. *Perthshire*
 ey, Hon. D. *Peebleshire*

le, R. A. *Reading*
 las, R. *Cricklade*
 it, E. *Buckingham*
 r, Hon. T. *Guildford*

Pardoe, J. *Plympton*
 Parry, J. *Carmarthenshire*
 Peachey, J. *Shoreham*
 Penn, Richard, *Appleby*
 Pierse, H. *Northallerton*
 Pennyman, Sir James, *Beverley*
 Phelps, E. *Somersetshire*
 Phillipson, R. B. *Eve*
 Phipps, Hon. H. *Totness*
 Pitt, W. M. *Poole*
 Pitt, Rt. Hon. Wm. *Cambridge*
 Pochin, W. *Leicestershire*
 Popham, Alex. *Tavistock*
 Powney, P. P. *Windsor*
 Praed, W. *St. Ives*
 Preston, Sir C. *Kingb. rn*, &c.
 Preston, R. *Dover*
 Pringle, M. *Selkirkshire*
 Pye, H. J. *Berkshire*
 Pulteney, Wm. *Shrewsbury*

Rashleigh, P. *Fowey*
 Radcliffe, Sir C. F. *Hythe*
 Rich, Sir Tho. *Marlow*
 Robinson, John, *Harwich*
 Robinson, Ch. *Canterbury*
 Rolle, J. *Devonshire*
 Rooke, J. *Monmouthshire*
 Rose, G. *Lymington*
 Ross, C. *Kirkwall*
 Rouse, Sir J. *Suffolk*
 Rouse, C. W. B. *Evesham*
 Rushout, Sir J. *ditto*
 Ryder, Hon. D. *Tiverton*

Scott, Sir J. *Weobly*
 Scott, J. *West Lye*
 Selwyn, G. A. *Luggershall*
 Selwyn, W. *Whitechurch*
 Shafte, R. *Downton*
 Shuckburgh, Sir G. A. W. *War-*
wickshire

Smith, Samuel, Jun. *Worcester*
 Smith, Samuel, *St. Germains*
 Smith, Robert, *Nottingham*
 Smith, C. L. *Leicester*

Smith, W. *Sudbury*
 Smith, Jofiah, *Devizes*
 Smyth, J. *Pontefract*
 Sneyd, W. *Castle Riding*
 Sotheron, W. *Pontefract*
 Stanhope, W. S. *Kingston*
 Stanley, J. *Lancashire*
 Steele, T. *Chichester*
 Stephens, P. *Sandwich*
 Stephenson, J. *Plympton*
 Steward, Gab. *Weymouth*
 Strutt, J. *Malden*
 Stuart, Hon. C. *Boffiney*
 Sullivan, R. J. *New Romney*
 Sumner, G. *Ilchester*
 Sutton, J. *Newark*
 Sutton, Sir R. *Boroughbridge*
 Sutton, Geo. *Grantham*
 Sykes, Sir F. *Wallingford*
 Sykes, Sir C. *Beverley*
 Thistlthwayte, R. *Hants*
 Thomas, G. W. *Chichester*
 Thornton, H. *Southwark*
 Thornton, S. *Kingston upon Hull*
 Thornton, R. *Bridgewater*
 Thyne, Hon. T. *Weobly*
 Townshend, Hon. J. T. *Newport, Hants*
 Tudway, C. *Wells*
 Turner, Sir G. P. *Thirsk*
 Tyrconnel, Earl of, *Scarborough*
 Vansittart, G. *Berkshire*
 Vernon, R. *Newcastle under* ~~Lea~~
 Villiers, Hon. J. C. *Old Sarum*
 Waller, R. *Chipping Wycombe*
 Watson, B. *London*
 Wemys, W. *Fifeshire*
 Wenman, Visc. *Oxfordshire*
 Westcote, Lord, *Bewdley*
 Whitbread, S. *Bedford*
 Wilberforce, W. *Yorkshire*
 Williams, W. *Flint*
 Williams, Sir H. *Beaumaris*
 Wilmot, J. *Coventry*
 Wodehouse, Sir J. *Norfolk*
 Wood, R. *Minehead*
 Worcester, Marquis of, *Mon-*
mouth
 Wraxall, N. W. *Luggerhall*
 Yonge, Sir G. *Honiton*
 Yorke, Hon. P. *Cambridgeshire*
 Younge, Sir W. *St. Mawes.*

 MINORITY on the Questions respecting the REGENCY.

ACOURT. W. P. A. *Heytesbury*
 Adam, Wm. *Kintore, &c.*
 Amcotts, Wharton, *Rexford*
 Anson, George, *Litchfield*
 Anstruther, John, *Anstruther,*
caister, &c.
 Astley, Sir Edw. *Norfolk*
 Bampfylde, Sir Cha. W. *Exeter*
 Basset, J. P. *Devonshire*
 Basset, Sir Francis, *Penryn*
 Beauchamp, Visc. *Orford*
 Beckford, Rich. *Arundel*
 Bentinck, 1d. Edw. *Nottingham-*
shire
 Benyon, Rich. *Peterborough*
 Bertie, Hon. Peregrine, *Oxf rd*
 Bouverie, Hon. W. H. *Salisbury*
 Bridgeman, Sir H. *Wenlock*
 Bridgeman, Orlando, *Wigan*
 Bullock, John, *Essex*
 Burgoyne, Rt. Hon. J. *Preston*
 Burke, Right Hon. Edmund,
Malton
 Burdett

| | |
|-------------------------------------|---|
| ll, Sir Peter, <i>Boston</i> | Dundas, Sir T. <i>Stirlingshire</i> |
| n, Robert, <i>Wendover</i> | Dundas, Tho. <i>Orkney</i> |
| ift, John, <i>Wareham</i> | Eden, Sir John, <i>Durham</i> |
| bell, John Pryse, <i>Cardigan</i> | Edwards, G. Noel, <i>Rutland</i> |
| gie, Sir Dav. <i>Aberdeen</i> , &c. | Elliot, Sir Gilbert, <i>Berwick on Tweed</i> |
| dish, Lord Geo. H. <i>Derby</i> | Ellis, Rt. Hon. Welbore, <i>Weymouth</i> , &c. |
| dish, Lord George, <i>Derby</i> | Elphinstone, Hon. G. K. <i>Dunbartonshire</i> |
| ian, John, <i>Carlisle</i> | Erskine, Sir James, <i>Merthyr</i> |
| on, Sir Robt. <i>Blechingly</i> | Evelyn, Wm. <i>Hythe</i> |
| m, Wm. <i>Great Marlow</i> | Ewer, Wm. <i>Dorchester</i> |
| land, John, <i>Barnstaple</i> | Farrer, Thos. <i>Warcham</i> |
| Lord, <i>Ludlow</i> | Fetherstonhaugh, Sir H. <i>Portsmouth</i> |
| Wm. <i>Bishop's Castle</i> | Fielding, Visc. <i>Bere Alison</i> |
| ington, Sir Wm. <i>Tewkesbury</i> | Fitzherbert, T. <i>Arundel</i> |
| Daniel Parker, <i>Nottingham</i> | Fitzpatrick, Rt. Hon. R. <i>Tavistock</i> |
| Edward, <i>Derby</i> | Fletcher, Sir H. <i>Cumberland</i> |
| un, Wm. <i>Bedford</i> | Fleming, Sir Michael Le, <i>Wifmore and</i> |
| r, Sir Geo. <i>Honiton</i> | Foley, Hon. Edw. <i>Worcestershire</i> |
| ay, Hon. Robert S. <i>Wotton</i> | Foley, Hon. And. <i>Droitwich</i> |
| et | Forester, Geo. <i>Winlock</i> |
| ay, Hon. Geo. S. <i>Orford</i> | Fox, Right Hon. Charles James, <i>Westminster</i> |
| ay, Hon. Wm. S. <i>Downton</i> | Francis, Philip, <i>Yarmouth, Isle of Wight</i> |
| ay, Hon. Hugh S. <i>Tregony</i> | Frederick, Sir John, <i>Christchurch</i> |
| r, Sir Grey, <i>Richmond</i> | Fullarton, Wm. <i>Lauder, &c.</i> |
| wall, Sir Geo. <i>Herefordshire</i> | Galway, Visc. <i>York</i> |
| John, <i>Wigan</i> | Garforth, J. B. <i>Haslemere</i> |
| rd, Edw. <i>Midhurst</i> | Gould, Sir Char. <i>Breconshire</i> |
| nay, John, <i>Tamworth</i> | Gould, Charles, <i>Brecon</i> |
| ney, Philip Champ. <i>Aldgate</i> | Greville, Rt. Hon. Charles, <i>Warrick</i> |
| John, <i>Cheshire</i> | Grey, Char. <i>Northumberland</i> |
| ghame, Sir W. A. <i>Linlithgow</i> | Hamilton, Rt. Hon. Wm. Ger. <i>Wilton</i> |
| ople, Wm. <i>Wigton, &c.</i> | Hanay, Sir S. <i>Camelford</i> |
| Hon. Geo. <i>Dorchester</i> | Harrison, John, <i>Grimsey</i> |
| Hon. Lionel, <i>Peterborough</i> | Heneage, |
| Sir Char. <i>Bury St. Edmunds</i> | |
| ns, James, <i>Chippingham</i> | |
| Peter, <i>Morpeth</i> | |
| ter, Geo. <i>Cupar, &c.</i> | |
| son, Wm. <i>Rye</i> | |
| , Visc. <i>Petworth</i> | |
| ous, Visc. <i>Knaresborough</i> | |

Heneage, John Walker, *Cricklade* Miller, Sir John, *Newport, Cornwall*
 Honeywood, Filmer, *Kent* Molesworth, Sir William, *Cornwall*
 Howell, David, *St. Michael's* Monckton, Hon. Edw. *Stafford*
 Hunt, Thomas, *Bromsgrove* Montagu, Rt. Hon. Frederick
 Hussey, Wm. *Salisbury* *Higham Ferrers*
 Jervoise, J. Clarke, *Hants* Molineux, Crisp, *King's Lynn*
 Jervoise, T. Clarke, *Yarmouth* Morgan, John, *Monmouthshire*
 Inchiquin, Earl of, *Ricmond* Morfhead, Sir John, *Bodmin*
 Jolliffe, Wm. *Petersfield* Mostyn, Sir Roger, *Flintshire*
 Keene, Whitshed, *Montgomery* Moysey, Abel, *Bath*
 Kenrick, John, *Blechingly* Mundy, Edw. M. *Derbyshire*
 Kingsmill, Robert, *Tregony* Myddleton, Richard, *Denbigh*
 Knight, Rich. Payne, *Ludlow*
 Ladbroke, Rob. *Warwick* Nedham, Wm. *Winchelsea*
 Lambton, W. H. *Durham* Nesbitt, John, *Winchelsea*
 Laurie, Sir Robert, *Dumfries-shire* Newhaven, Lord, *Gatton*
 Laurence, Wm. *Ripon* Newnham, Nath. *London*
 Lee, John, *Clitheroe* North, Lord, *Banbury*
 Legh, T. Peter, *Newton, Lancashire* North, Hon. G. A. *Wotton Ball*
 Lemon, Sir Wm. *Cornwall* Norton, Hon. Chapple, *Guilford*
 Lemon, John, *Salisbury* Ord, John, *Wendover*
 Lisburne, Earl of, *Cardiganshire* Osbaldiston, Geo. *Scarborough*
 Lister, Tho. *Clitheroe* Owen, Hugh, *Pembroke*
 Long, Dudley, *Grimby* Owen, Wm. Mostyn, *Monmouthshire*
 Lowther, Sir Wm. *Cumberland* Page, Francis, *Oxford University*
 Lowther, John, *Haslemere* Palmerston, Visc. *Boroughbridge*
 Lowther, James, *Westmoreland* Parker, Sir Peter, *Malden*
 Loveden, Edward L. *Akington* Parkyns, Thomas *Boothby, Scawbridge*
 Ludlow, Earl, *Huntingdonshire* Payne, John Willet, *Huntingdon*
 Macbride, John, *Plymouth* Pelham, Rt. Hon. Tho. *Sussex*
 Mackenzie, Francis Hum. *Rossshire* Pelham, Hon. Henry, *Lewes*
 Mackworth, Sir Herbert, *Cardiff* Pelham, Charles A. *Lincolnshire*
 Macpherson, James, *Cameford* Penrhyn, Lord, *Liverpool*
 Maitland, Visc. *Melnsbury* Penton, Henry, *Winchester*
 Malden, Visc. *Oakhampton* Philips, J. G. *Carmarthen*
 Marsham, Hon. Charles, *Kent* Pierrepont, Charles, *Nottinghamshire*
 Masters, Richard, *Cirencester* Plumer, Wm. *Herts*
 Melbourne, Visc. *Malmesbury* Popham, Wm. *Milbourn*
 Middleton, Sir Wm. *Northumber-land* Powys, Thomas, *Noridbampshire*
 Middleton, Lord, *Whitchurch* Purding

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|--|--|
| John, <i>Weymouth</i> , &c. | Stuart, John Shaw, <i>Renfrewshire</i> |
| John, Sir <i>Walter</i> , <i>Huntingdon</i> | Sturt, Charles, <i>Bridport</i> |
| John, Abram, <i>Lancaster</i> | Swinburne, Sir J. E. <i>Launceston</i> |
| John, Sir Mathew White, <i>New- castle on Tyne</i> | Taylor, Clem. <i>Maidstone</i> |
| John, Edward, <i>Newport</i> , <i>W. Wales</i> | Taylor, Mich. Angelo, <i>Poole</i> |
| John, Lord John, <i>Tavistock</i> | Tempest, John, <i>Durham City</i> |
| John, Sir John, <i>Penryn</i> | Thorold, Sir John, <i>Lincolnshire</i> |
| John, Hon. St. Andrew, <i>Bed- fordshire</i> | Townshend, Lord John, <i>Wells- minster</i> |
| John, Samuel, <i>Aldborough</i> | Vanneck, Sir Gerard William, <i>Dunwich</i> |
| John, J. C. <i>Cockermouth</i> | Vaughan, Hon. John, <i>Berwick</i> |
| John, Hon. Rd. Lumley, <i>Lin- cester</i> | on <i>Tweed</i> |
| John, Thomas, <i>London</i> | Vynner, Robert, <i>Thirsk</i> |
| John, Bridport | |
| John, Hereford | Upper Offord, Earl of, <i>Bedford- shire</i> |
| John, H. <i>Cockermouth</i> | Walpole, Hon. Horatio, <i>Lynn</i> |
| John, Rich. B. <i>Stafford</i> | <i>Regis</i> |
| John, Sir John, <i>Leeds</i> | Walwyn, James, <i>Hereford</i> |
| John, George, <i>Aberdeenshire</i> | Warren, Sir George, <i>Lancaster</i> |
| John, Hans, <i>Christchurch</i> | Webb, John, <i>Gloucester</i> |
| John, Wm. Charles, <i>St. Albans</i> | Webster, Sir Godfrey, <i>Seaford</i> |
| John, Sir Robert, <i>Colchester</i> | Weddell, Wm. <i>Malton</i> |
| John, Lord Charles, <i>Oxford- shire</i> | Whitmore, Tho. <i>Bridgenorth</i> |
| John, Lord Robert, <i>Oxford- shire</i> | Wilbraham, Roger, <i>Helston</i> |
| John, Tho. <i>Lancashire</i> | Windham, Right Hon. William, <i>Norwich</i> |
| John, Rowland, <i>Carlisle</i> | Winnington, Edw. <i>Droitwich</i> |
| John, Alex. <i>Kircudbright</i> | Wrightson, Wm. <i>Aylebury</i> |
| John, Henry, <i>Bish. of Carlisle</i> | Wynn, Glynn, <i>Carnarvon</i> |
| John, Hon. James, <i>Buteshire</i> | Wynn, Sir W. Williams, <i>Der- byshire</i> |

£ of those Members who have not voted on the Questions
respecting the REGENCY.

| | |
|------------------------------|--|
| Anne, J. W. <i>Cambridge</i> | Barnard, Vis. <i>Totness</i> |
| Charles, <i>Salisbury</i> | Beckford, Wm. <i>Wells</i> |
| Thomas, <i>Wallingford</i> | |
| Sir John, <i>Bucks</i> | Campbell, Sir James, <i>Culross, &c.</i> |

Claver-

| | |
|--|---|
| Clavering, Sir Thomas, <i>Durham County</i> | Orde, Right Hon. Thomas, <i>Harwich</i> |
| Compton, Lord, <i>Northampton</i> | Palk, Lawrence, <i>Abbington</i> |
| Cunningham, Rt. Hon. Robert, <i>East Grinstead</i> | Peyton, Sir Harry, <i>Cambridge shire</i> |
| Cult, Francis C. <i>Grantham</i> | Pitt, Hon. George, <i>Dorsetshire</i> |
| Eden, Rt. Hon. William, <i>Heytesbury</i> | Rumbold, Sir Thomas, <i>Weymouth</i> |
| Ferguson, James, <i>Bamffshire</i> | Russell, Lord Wm. <i>Surrey</i> |
| Goodricke, Sir John, <i>Ripon</i> | Smith, Nathaniel, <i>Rochester</i> |
| Hare, James, <i>Knaresborough</i> | Trevanion, John, <i>Dover</i> |
| Lewis, Edw. <i>New Radnor</i> | Trevelyan, Sir John, <i>Somersetshire</i> |
| Luttrell, John Fownes, <i>Minehead</i> | Trottman, F. <i>Northampton</i> |
| Mansell, Sir William, <i>Carmarthenshire</i> | Vaughan, Ev. Lloyd, <i>Merionethshire</i> |
| Milford, Lord, <i>Pembrokeshire</i> | Watherstone, Dalhousie, <i>Bogus</i> |
| Mitford, W. <i>Newport, Cornwall</i> | Wilkes, John, <i>Middlesex</i> |
| Montgomerie, Hugh, <i>Airsshire</i> | Wycombe, Lord, <i>Chip Wycombe</i> . |

WORCESTER and GLOUCESTER Vacant.

COLCHESTER, Double Return.

Tuesday, 20th of January.

Mr. Wilberforce acquainted the House, that he had met the Lords at a conference, to whom he had delivered the resolutions come to by that House, as he had been directed.

The order of the day was then read for the House to be put into a Committee on the State of the Nation upon the ensuing Friday; and the same was, upon motion, discharged, and appointed for the Monday following.

The House then adjourned.

Monday, 26th of January.

A message was brought from the Lords, desiring a conference. It was then moved, "That the Managers, who conducted the last conference, should likewise conduct the conference now desired." Their names were accordingly called over, and they withdrew to the House of Peers, and in a short time returned with the resolutions agreed to.

The Committee on the State of the Nation was, upon motion, put off until the morrow.

The Masters in Chancery having brought a message from the House of Lords, requesting a present conference, and ~~the same~~ having been read from the Chair,

Mr. Burke remarked, that he wished earnestly to be made Mr. Bur^r acquainted with the subject matter of the intended conference. Reports were circulated that a proceeding of considerable importance was about to take place in the other House of Parliament. He trusted, therefore, that the right honourable gentleman would give them some information on the subject; and the resolutions having been sent up from that House, would state to them what was the next step which they were to be called upon to take; since, without such information, the whole matter must continue dark and unintelligible.

Mr. Chancellor Pitt answered that, for his own part, he was not aware of any great impropriety or irregularity in the present proceeding, or, indeed, in any measures which hitherto had been pursued, upon this important and melancholy occasion. They had sent the resolutions, as soon as the House had voted them, up to the House of Lords, and ~~now~~ a conference was demanded by the Lords; but it was impossible for him to state what would pass at that conference; although he should suppose that the object of it very properly was to let them know, that the House of Lords had agreed to the resolutions sent up by that House; and, surely, a request of this reasonable nature could not be seriously considered by any honourable gentleman as objectionable.

Mr. Burke replied, that if he had discovered even the most distant intention of objecting against the conference, the right honourable gentleman's answer would have been not only strong but fair; yet, he appealed to the House, whether he had objected to the conference. On the contrary, he had merely risen to ask for information; and that information was, it seems, denied the House. Mr. Burke added some general reflections on the steps that had been taken by the two Houses hitherto, and said that every step in which they proceeded, was an attempt to introduce some new principle in the constitution.

Mr. Chancellor Pitt declared that he could, with truth, ~~assure~~ the right honourable gentleman and the House, that no man could be more ready than he was, at all times, to give every information that he could, with any sort of consistency, to that House; and whenever he had a measure to propose, he was ready to open it fully, after due notice given; and when the time of the notice was not thought sufficient, he was always willing to enlarge it; but, surely,

it was not introducing any new principle in the constitution for him, as a Member of that House, to refuse giving any information of what was about to pass in the other House.

Mr.
Burke.

Mr. Burke observed, that he must still insist, that the act of sending up the resolutions to the House of Lords, tended fundamentally to destroy the deliberative capacity of that and the other House of Parliament. Voting resolutions, in the abstract, was a new mode of proceeding, attended with much inconvenience. Their former regular way had this advantage; they were not committed by the other House, but had frequent opportunities of knowing whether the bill introduced by the other House, and grounded upon their resolutions, was a monster or not. By the mode that had been adopted of their voting resolutions, in the name of the House of Lords, and obtaining the subsequent concurrence of that House, the House of Lords had pledged themselves to the bill, founded on those resolutions, and that House, in the same respect, were pledged; so that the two Houses were mutually pledged to each other; a circumstance, which tended to undermine and take away the deliberative capacity of both. For this they had but one precedent, and that was the Irish propositions; but, at that time, much weighty and serious argument had been urged against such a mode of proceeding. For his part, he thought the reason assigned for it, a bad one at that time, and he thought so now. The same reason, however, did not then exist, nor could it be contended, that they were obliged to wait the concurrence of a third party.

The question was then put, and it was agreed, that the requisition of the House of Lords be complied with, and a present conference holden in the Painted Chamber.

As soon as the conference was over, Mr. Chancellor Pitt informed the House, that the next step which he should propose, would be to lay the resolutions, voted by the two Houses, before His Royal Highness the Prince of Wales, in order to know whether His Royal Highness was willing to accept the Regency upon those conditions, and therefore he gave notice that he should make a motion for an humble address for that purpose, on the morrow.

Mr. Grey observed, that the right honourable gentleman did not seem to have made up his mind to any plan whatever; but, if he had, he would ask the meaning of the present proposition, for laying the restrictions before His Royal Highness the Prince of Wales, and addressing the Prince, to know whether he would accept the Regency on those conditions or not? He had heard, Mr. Grey said, in a Committee, from an authority which he was bound to consider as one of the first in that House, that they were a regular Parliament,

then,

ten, they were a compleat Legislature, he knew not why they should address the Prince of Wales at all. He thought the less necessary, since it was understood that the restrictions had already been communicated to the Prince. He could not, therefore, but express his surprise at the unconnected and inconsistent mode upon which they were every day proceeding, without system, or plan of any kind, and even amidst the right honourable gentleman's complaints, against the evils of delay, procrastinating matters, if possible, still more than ever.

Mr Chancellor Pitt replied, that for his own part, he should not answer to the charge of procrastination, but leave it to the judgement and recollection of that House, and of the impartial Public, to decide whether he deserved the imputation. Let them recollect the steps which they had taken; they had, in the first instance, examined His Majesty's physicians, and ascertained his incapacity. An intention having then been intimated, to assert a right to assume the exercise of the Royal authority, it became necessary to discuss that point, and to decide upon it; having done so, the House had proceeded to lay the grounds upon which a bill was afterwards to be brought in, appointing and declaring a Regent; and these grounds were contained in certain resolutions, which they had sent up to the other House, and which now awaited their answer. Having laid down the principles of the government to be established during the present critical time, the next step they had to take before they put it into the form of a law, was to endeavour to know, whether His Royal Highness the Prince of Wales was willing to accept the Regency, upon the principles contained in the resolutions. Whether there was any thing unsystematical in that mode of proceeding, he would not then examine. With regard to the restrictions having been already communicated to His Royal Highness, that House, and the other, could not act upon any supposition of a private communication between His Royal Highness the Prince of Wales, and His Majesty's Ministers. They must proceed in that parliamentary method, which could alone furnish them with information of sufficient authenticity to warrant any further proceeding. With this view it was, he should move that an address to His Royal Highness; an address, against which he should scarcely conceive it possible to hear a dissentient opinion; but, as it would not be orderly to debate it before it was moved, the honourable gentleman must excuse him if he did not go into the nature of it, as the honourable gentleman seemed to desire.

Mr. Grey answered, that when he had stated, that His Majesty's Ministers went on without any plan or system, he stated what appeared to him as an indubitable fact. The *Mr. Grey*
and *right*

right honourable gentleman, in answer to the charge of delay, had desired gentlemen to exercise their recollection; that the House had no occasion, however, to carry their recollection so far back, since the conduct of the right honourable gentleman that day, was a sufficient proof of his desire to procrastinate the business.

Mr. Jolliffe observed, that the House might easily recollect that when he had lately put the question to the right honourable gentleman, whether he had communicated the restrictions to the Prince, the right honourable gentleman had said that it was an unparliamentary question, but now the right honourable gentleman openly moved, that they should be communicated. He seemed at length convinced, that he had proceeded in the dark, and that he must begin *de novo*. If the right honourable gentleman would have the good sense to consult the gentlemen of the law, they would advise him to abandon the circuitous and indirect path, and to do what was, in his poor opinion, right: and, he believed he might say, right in the opinion of the Nation, declare the Prince of Wales Regent, without any restrictions whatsoever.

Mr. Burke observed, that the conduct of the right honourable gentleman was arbitrary in the extreme, and that he had made *sic volo, sic jubeo, sicut pro ratione voluntas*, the rule of his proceedings. The right honourable gentleman said, that the only cause of delay, had been the discussion of their right act. He desired to know who it was that had questioned that right? Where was the question to be found? Because some people seemed inclined to debate the question. The right honourable gentleman had forced the House into the discussion, and, in his haughty style, said to the House, "Slaves! do you presume to hesitate, or hint a doubt upon this matter? I will put an end to your scruples. The question shall be debated; it shall be decided." They all knew Mr. Burke said, the terms of the dominion, which the right honourable gentleman meant to exercise over the Regent government. They were replete with terms of as absolute and arbitrary, as any exercised by Julius Cæsar, Augustus, or Oliver Cromwell. With regard to the doubt of that House's right to act, of which the right honourable gentleman had talked, no man had said it; but, the right honourable gentleman had stooped from the dignity of the supreme sovereignty which he had assumed, to combat a right which had not been claimed. Mr. Burke said, he disliked that union of the fox's tail, and the lion's skin. It was an unnatural junction of low cunning, and supreme authority.

Sir Joseph Mawbey. Sir Joseph Mawbey remarked, that he could by no means submit to the suggestion, that any person would exercise arbitrary power over that House, be his station ever so exalted. He

tribute of applause to the right honourable gentleman (Mr. Chancellor Pitt) but he must declare, that he never could allow that Regents were Kings, or that they had an equal right to the unrestrained exercise of sovereign power. He knew there had been Regents, who had done honour to their own characters, and met the approbation of the people. The House might learn, from the papers of that day, the contents of the letter of the Minister to the Prince of Wales, upon the subject of the restrictions, and the physical answer. Sir Joseph spoke of, what he termed, the peculiar circumstances of the case, as warranting a peculiar mode of proceeding; because, should the King in the course of a few weeks, a few months, a year, or a year and half, recover, and be able to resume the reins of government, it was the duty of the two Houses to provide, that his re-assumption of the exercise of the Royal authority should not be impeded, embarrassed. The People, from whom all power was originally derived, had an indisputable right, whenever a convulsion of the government, or a temporary suspension of the exercise of the Royal authority occurred, to say what authorities should be vested in those appointed to rule the Realm, to prescribe such limitations and restrictions as they should think proper.

Mr. Sheridan remarked, that what the right honourable Mr. Sheridan had advanced in general terms of the intended motion for an address to the Prince of Wales, might do for those who would wish to give an implicit confidence to every thing that fell from the right honourable gentleman; but there were other descriptions of men who might reasonably expect a more satisfactory answer. As the restrictions stood, the right honourable gentleman would be pleased to recollect, there was nothing in them which intimated that they were calculated to continue for a limited time only. Upon the face of the resolutions, they appeared designed to be permanent; and, therefore, he submitted it to the right honourable gentleman, whether it was not absolutely necessary, by some means or other, to signify to His Royal Highness the Prince of Wales, that they were meant to continue in force only for a limited time. Perhaps, the right honourable gentleman designed to do this, in the address; but certainly it was material, that it should be done one way or the other. He understood, that there was to be a commission called to open the Parliament as soon as the Prince's answer to the Address was received, and it was said, that his Royal Highness was to be one of the Commissioners. He hoped, therefore, that the right honourable gentleman would inform the House how the Commission was to be constituted? Mr. Sheridan pressed the necessity of signifying that the restrictions

strictions were to be only for a limited time, since, as the resolutions stood, they, certainly, warranted the idea of intention to make them permanent.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* answered, that when the resolutions had been carried to the Prince of Wales, and the answer of His Royal Highness obtained, it would then be time enough to discuss the propriety of the commission to be passed for opening the Parliament.

Mr. Sheridan. Mr. *Sheridan* desired to know if there was not some danger in adopting that mode of proceeding. He described the awkward situation in which it would place the Prince, by stating, that if the address were presented with the resolutions, and the answer should prove, that His Royal Highness was willing to accept the Regency on those conditions, whether, when the commission was issued, and the Prince might not choose to have any thing to do with it, he would not be precluded from refusing, and be considered by his answer to have pledged himself to consent to all the subsequent proceedings relative to the appointment of the Regency?

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* repeated, that his first object would be to carry up the resolutions, and the other matters, such as the ordering a commission to be issued in the King's name for the opening of the Parliament, and various necessary points, would come under discussion hereafter. Mr. Chancellor *Pitt* moved to discharge the order of the day, and that the Committee on the State of the Nation stand for the immediately ensuing day.

Mr. Burke. Mr. *Burke* observed, that as the address to the Prince of Wales was to be moved only this day, and it would probably be late in the evening, before the address could be presented, there would scarcely be any time for receiving the Prince's answer, before they went into the Committee on the State of the Nation.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* answered, that he had named Wednesday as the nearest open day; and that the House would, on the morrow, become better enabled to judge, after the conclusion of the debate on the address, whether they ought to move the order for the Committee on the State of the Nation to a future day or not; and the whole matter would be at their disposal.

The House adjourned.

Tuesday, 27th January.

Mr. Chancellor *Pitt* moved, that the resolutions which had been agreed to by the House, be read.

Mr. Chancellor Pitt. The resolutions having been read by the Clerk,

Mr. Chancellor *Pitt*, rising a second time, observed,

his opinion, the proposal which he should beg leave to submit to the House, appeared wholly as a matter of course, owing from the steps they had already taken. To lay the ~~conditions~~ they had come to before the Prince of Wales, in ~~order~~ to ascertain whether His Royal Highness would accept the Regency, under the resolutions agreed to, previous to ~~putting~~ putting them into the form of a law, was a measure which struck him as so proper, that, had it not been for what had the preceding day, he should not have imagined that there would have risen one dissenting voice; and so little ~~there~~ was he of the opposition intended to be made, that he ~~ought~~ not argue on anticipation, and obviate the objections ~~when~~ they were stated. Without, therefore, taking up more ~~time~~ of the House, he would only make his motion, reserving a right to answer such objections as some gentlemen might, possibly, think it proper to bring forward.

He then moved, "That a Committee be appointed to communicate to His Royal Highness the Prince of Wales the ~~conditions~~ regulations which the House of Lords and Commons have agreed to, for providing the means of supplying the defect in the personal exercise of the Royal authority, under such regulations as the present circumstances may seem to require; and that the Committee be directed to inform His Royal Highness, that the Commons express their hopes, that His Royal Highness will accept the said charge, as soon as an act of Parliament can be passed for carrying into effect the said purpose."

Sir Grey Cooper remarked, that although the right honourable gentleman had chosen to describe his motion for the ~~admission~~ as a mere matter of course, it seemed, in his opinion, ~~to~~ with it the utmost importance and extent. He did ~~not~~ consider that his honourable friend, (Mr. Grey) when his proposition was first stated, during the course of the preceding debate, had expressed his surprize and resentment ~~at~~ the manner in which the House had been treated by ~~under~~ an alteration of the plan of proceeding. There ~~surely~~ was something very unexpected and mysterious in ~~the~~ measures of the foregoing day. It had been announced, ~~that~~ the right honourable gentleman was to proceed to make ~~another~~ motion in the Committee on the State of the Nation. The Members who attended their duty, were under this impression, till the Speaker took the chair the preceding day. They were all told even at the door, that the business was to begin in the House of Lords. Those who went to the ~~House of Lords~~ informed them, that a sudden stop had been made in the proceedings, by a great authority in that House. To what was all this confusion and delay to be imputed? The right honourable gentleman had declared in his opening ~~the~~

the second and third resolutions, that the two Houses Parliament, in this great emergency, fully represented the ranks of the people, and that they were the legal organs through which the voice of the People could only be heard when there was a defect in the exercise of the Royal authority. Perhaps, by some accident, one of those organs might be somewhat out of tune. Some whispers of dissonance had come down there through the long gallery. Some low notes of discord, or at least of harmony, not understood; and therefore, till that other instrument was put again into order, the great masters had settled what parts they were to perform, they were to be amused with this interlude. But as it might, he had serious objections to the address. In first place, it was unnecessary, as a preliminary measure, the bringing in an act of Parliament, the coming of which was announced with a most alarming solemnity. Second if it was necessary, it was improper, both in point of time, well as in point of matter. The right honourable gentlemen knew it was not necessary, as a preliminary step to the bill to send the resolutions to the Prince for his acceptance. There were certain papers to which he alluded, the communication of which to the House had some time since been requested by two worthy Members, whose request, though not perhaps conveyed in a regular parliamentary motion, was made with great attention and respect to the right honourable gentleman, and it was in his power, if it had been in his will, to have complied with it, by asking the permission of His Royal Highness to lay his answer to the right honourable gentleman's letter on the table of the House. But, though the communication was, for certain causes, refused, this paper which contained the answer of the Prince, was in the possession and in the admiration of the public. Whatever purpose the correspondence between the Minister and Royal Highness might have served, it had certainly produced the instrument of illustrating and bringing before the eye of the nation the character, the talents, and the virtues of the Prince. It had manifested that he knew, that he loved, and revered the constitution of his country; that he hoped to be intrusted, during the deplorable incapacity of the Royal authority, with all the powers which the Constitution had allotted to the exercise of the Regal office; cause he conceived that those powers were, as had been expressed by a respectable Member (Mr. Powys) in a former debate, an integral part of the rights of the People. He had expressed very natural sensations of surprize and regret at the distrust and suspicion which withheld those powers from him; but he thought it the duty of the *Heir Apparent* of the House of Brunswick to accept the high trust which

ever restricted as it was offered to him, and to pay a dignified and submission to the result of the deliberation and wisdom of Parliament. This proved that the address was unnecessary in point of fact; he insisted that it was improper and irregular in point of time and in point of matter. In point of time, because the bill itself, which they informed was to be passed in a future Parliament, ought to be laid before the Prince for his approbation and consent. But, in the cases of private bills, was, by custom, always taken in the Committee. The second objection was in point of matter; for, he was persuaded, from the artful manner of wording the address, that it was not only intended to be a ~~matter~~ ~~of~~ ~~the~~ ~~Prince~~ ~~but~~ ~~of~~ ~~precluding~~ ~~by~~ ~~a~~ ~~side~~ ~~wind~~, the ~~station~~ ~~of~~ ~~the~~ ~~House~~ ~~on~~ ~~the~~ ~~resolutions~~ ~~which~~ ~~were~~ ~~to~~ ~~state~~ ~~the~~ ~~basis~~ ~~of~~ ~~the~~ ~~bill~~. In addresses from that House, ~~ever~~ ~~to~~ ~~speeches~~ ~~from~~ ~~the~~ ~~Throne~~, nothing was more ~~merely~~ ~~watched~~ ~~than~~ ~~any~~ ~~words~~ ~~which~~, ~~whilst~~ ~~they~~ ~~pre~~ ~~merely~~ ~~to~~ ~~convey~~ ~~an~~ ~~affectionate~~ ~~and~~ ~~dutiful~~ ~~answer~~ ~~a~~ ~~Crown~~, ~~engaged~~ ~~the~~ ~~House~~ ~~to~~ ~~adopt~~ ~~the~~ ~~measures~~ ~~re~~ ~~bended~~ ~~by~~ ~~the~~ ~~Ministers~~; and such attempts were always reprobated by Parliament.

Lord Belgrave delivered his opinion in favour of the necessity of knowing authentically whether His Royal Highness Belgrave would, or would not, accept of the Regency, under the conditions agreed to. Granting the first, it must follow, it was requisite to proceed with all possible dispatch to him with the necessary powers; but, in the second instance, the House must adopt a different proceeding. For my part, he did not perceive any reason why they should not proceed in an irregular and unparliamentary manner, when they had in their power to proceed in a regular and parliamentary manner. He considered what the honourable member had said relative to the letter from the Prince to his honourable friend, to be wholly inapplicable to the question; for, he could not conceive how it was possible that men should act upon any thing which had passed out of the House; they were to act upon what presented itself within the House. In his idea, it would not be acting either with honour or respect due to the Prince, or consistently with the dignified character of that House; in fact, it would prove a ~~loss~~ ~~of~~ ~~decerum~~, if they did not lay before His Royal Highness the resolutions to which they had agreed, that they might be acquainted whether the Prince would accept the Regency under them; and it was for those reasons that, in his opinion, the motion of his right honourable friend highly deserved the concurrence of the House.

Sir John *Swinburne* said, that he could wish to hear from *Swinburne* the mouth of the noble Lord who spoke last, whether the indecorum to which he alluded, did not already exist? In his opinion, a great indecency had been offered to His Royal Highness, by the plan not having been laid at the first before him. He thought His Royal Highness shewed a great regard to the Constitution, in accepting the arduous post of Regent, in the present crippled state in which it was offered to him. It ought, in his mind, to have been offered free from any limitation or restraint whatever. If the right honourable gentleman, by the present address, did not mean to pledge himself to the House, that no alterations should be made in the bill that was intended to be brought in, he conceived it would be infinitely more proper to address His Royal Highness when the bill should have been brought to a conclusion.

Mr. *D. Ryder* observed that, whilst he testified his surprise at the allusion of the honourable Baronet to instances of early indecorum, he must beg leave to ask how it was possible that the resolutions could have been laid before his Royal Highness, previous to their having been agreed to by the two Houses? The honourable Baronet had declared it as his opinion, that the Prince ought to have been acquainted at first with the resolutions, and this, at a time, when they were not agreed to; but, when they were agreed to, he objected to their being laid before the Prince. By the House agreeing with the address, he could not consider that they were pledging themselves to do any thing farther, than, as men of honour and conscience, to agree to that in a bill, which they had before agreed to in the form of resolutions. If they had altered the bill, and imposed farther restrictions, the Prince's contract and obligation to abide by the restrictions, would consequently be void.

Sir Charl. *Gould* contended, that the first resolution had passed under circumstances which no longer existed. They had then a Speaker; at present they had only a Speaker elect, the right honourable gentleman in the chair not yet having received the approbation of the Crown; and, to proceed without it, -was to infringe on a part of the Royal authority. Sir Charles observed that he had been misrepresented, and charged with holding one doctrine within that House, and another without doors. He had been, and still was, of the opinion which he had ever entertained of the Prince's having no right to assume the Regency; but, at the same time, he opposed any declaration against the right, conceiving that such declaration would impress the minds of the People at large, and posterity, with a belief that such right had been asserted by His Royal Highness, which had

not, as they ill knew, been the case. No such claim having been made, he considered the declaration of it, and all the subsequent steps, as needless.

Col. Phipps said, that the honourable Baronet who spoke last, he was sorry to find, knew little of any other law, except that of his profession. The Colonel urged the exigency of the case, in which they were of necessity to make a choice of evils. He observed, that the doubt of the Speaker's not being approved of, was a very inconsiderable reason for opposing the address, as he considered that so trivial a point ought not to be considered, when so great an object was before the House. With respect to the question of right, which had been raised on the other side of the House, by the right honourable gentleman, declaring the Prince's right to assume the reins of government.—[Here a cry of No! No!] The Colonel continued, by saying, that the right honourable gentleman was not present to contradict what he had said on a former day, but he doubted not that some of his friends would deny it for him. An honourable gentleman had remarked, that the Prince ought to have been addressed before any of this was done, but would not agree to address his Highness until the whole business was concluded. In extreme cases, it was wise to take the medium, and steer between the two opposites; and he believed that the opinion of the People would be for pursuing the plain, simple, and direct path, disregarding the violence of party on either side.

Alderman Newnham called upon the right honourable gentleman to state the whole of the resolutions which he meant to offer to the House in the address, that His Royal Highness might be fully apprized of every measure intended to be taken; as it was necessary, previous to his pledging himself to accept the Regency, that the whole resolutions relative to it should be known. They ought not to proceed piecemeal, and make the Prince accessory to a bill injurious to himself in points on which he had as yet received no previous information.

Mr. Grey, in answer to Col. Phipps, said, that neither his right honourable friend, who was not present to speak for himself, nor any of his friends, had ever maintained the right of the Prince to assume the executive authority, without the approbation of Parliament. He agreed with the honourable gentleman, that the present mode was the plainest, the most simple, and direct of all modes that could be adopted, if intricacy and inconsistency were the distinguishing characteristics of plainness; if embarrassment meant simplicity, and if indecision and weakness signified directness. The motion of the right honourable gentleman he considered as a confirmation of his want of system, and of his want of decision,

Colon
Phipps

and of his wish for delay. The right honourable gentleman had, however, asserted, that it was out of respect and attention to His Royal Highness that the present address was proposed. He certainly was not one of those who wished to oppose any mark of respect and attention to the Prince; he sincerely wished that the Prince had been treated with no want of respect and attention in other stages of the business; His Royal Highness was entitled, by his conduct, not only to the most marked respect, but to the love of the People. He considered the answer of the Prince to the resolutions by no means necessary for the House to proceed upon. He wished to ask, whether the Prince's agreeing to the resolutions would be considered as a pledge to agree to any future resolutions which might be added to the bill when brought in? or whether it was meant to preclude the House from any future deliberation? If it was not to answer either of these purposes, in his opinion, it was wholly unnecessary. Most of them knew the nature of the feelings of His Royal Highness. The right honourable gentleman's attempts clearly went to make a republican government out of a limited monarchy. Let the House be aware of the danger of such a change in the constitution! The addresses, in every view, appeared to him to be brought forward for no other purpose than that of the delay of near a week; since they could not sit on Friday, and His Royal Highness's answer could not be received before Saturday. He asserted that the boasted popularity of the Minister was not so great as had been represented. Possibly, the right honourable gentleman alluded to the addresses endeavoured to be obtained for him in different parts of the country. He had heard scarcely of any place, where there had not been great difference of opinion; and, in no other county than Devonshire, where there was some appearance of unanimity in the addresses, had there been any thing like unanimity, but, on the contrary, so much division and confusion, that it was at least doubtful whether the addresses which had been moved, were carried or not by the majority present. He declared that he knew nothing of those addresses, but what he saw of them in newspapers and other publications. He held addresses, at all times, to be improper, as tending to bias the votes of gentlemen, contrary to their judgements. He was happy in the conduct of his constituents, (Northumberland) from whom an attempt had been made to procure an address. Such an address had, however, not been procured; and his constituents had added obligations to their representatives, and by leaving them to the free, unbiased exercise of their own judgments, ensured their future zeal and services.

Mr. *Brandling* declared, that in the opulent and populous Mr. own, which he represented (Newcastle) six hundred of the Brandling principal inhabitants attended, and without a dissenting voice, voted an address to the right honourable the Chancellor of the Exchequer, which address was signed by upwards of nine hundred respectable persons. He was exceedingly happy to have that fact, which met with his warmest approbation, to state to the House, in contradiction to the honourable gentleman's assertion of no address, excepting that from Devonshire, having been voted with unanimity. With respect to the opposition, which the address had met with, in the county of which the honourable gentleman was a representative, he begged to say, that he knew, from the best authority, that it was in consequence of the High Sheriff's reprehensible, pusillanimous, and contemptible conduct. [A cry of Order! order!] He said he begged to be heard, and he would explain what he meant—

Mr. *Francis* spoke to order: He observed, that he did not Mr. *Francis* know the High Sheriff of Northumberland, but he considered it to be highly disorderly, to brand with such unbecoming language, the name and character of any gentleman in any county; it was language unfit to be uttered in any society of gentlemen.

A general cry of Order! order! was again called from all sides of the House, when

Mr. *Bouvierie* rose to speak to order; and declared, that he Mr. *Bouvierie* considered the present conversation as exceedingly imprudent, being totally irrelevant to the subject before the House.

Lord *Belgrave* also spoke to order, and desired the motion before the House might be read.

Mr. *Brandling* rising again, remarked, that as he seldom Mr. *Brandling* troubled the House, it always distressed him to be interrupted; but still more, to be interrupted in such a manner as he had been. He declared, that he meant no personal reflection on the High Sheriff of Northumberland, and was proceeding to state the history of the transaction to which he alluded, when he was again loudly called to order.

Mr. *Bouvierie* spoke to order; and called for the interference of the Speaker.

The Speaker expressing his concern on the disorderly turn The of the debate, declared, that he would state why he had not Speaker. interrupted the honourable gentleman. He felt no part of his duty more irksome than the extreme difficulty of interrupting gentlemen when they went from the question, and had refrained at present, on the ground of the House having offered one gentleman to speak on the subject.

Mr. *Brandling* again spoke, declaring that he alluded to Mr. *Brandling's* public conduct only, and to nothing else. He

He said, that the Northumberland meeting had been rendered tumultuous, and the address prevented, by the riotous behaviour of about thirty persons, who had assembled round the chair, when a worthy magistrate, who had been for many years Chairman of the quarter sessions, was forced from the chair, so that he was scarcely able to save the parchment, on which the address was written.

Mr. Grey. Mr. *Grey* having alluded to the words pusillanimous and contemptible, declared, that if he could possibly have felt an unbecoming inclination to use such language, he would not have taken the advantage of stating it in the absence of the person against whom it was spoken, and when he could not defend himself.

Mr. Brandling. Mr. *Brandling* replied, that his conduct and character were equally respectable with those of either the honourable gentleman or any of his friends.

Sir Joseph Mawbey. Sir *Joseph Mawbey* spoke in justification of himself from Mr. *Grey*'s attack, mentioned the approbation of his constituents of the measures of the hour, and declared, that his interest in the county of Surrey would not be easily shaken.

Mr. Bouverie. Mr. *Bouverie* again spoke to order; and contended, that so disorderly a conversation ought immediately to be stopped.

Mr. Martin. Mr. *Martin* conceived, that it would have been more candid, for the honourable gentleman (Mr. *Bouverie*) to have proposed to stop the disorderly conversation at first, when it began, than at the present moment.

Sir Joseph Mawbey. Sir *Joseph Mawbey*, having alluded to his popularity in the county which he represented, declared that the freeholders, who had assembled at the election of the noble lord, lately chosen his colleague, had drank his health in a manner highly flattering to him. Sir Joseph agreed with the motion, conceiving it necessary, that the House should be authentically informed, whether His Royal Highness would accept the Regency under the restrictions agreed upon.

Lord William Russell. Lord *William Russell* remarked, that in consequence of what had fallen from the honourable baronet, relative to the inhabitants of the county of Surrey being devoted to the Ministers of the hour, he felt himself particularly obliged to trouble the House with his opinion upon the subject. He was persuaded that the freeholders of Surrey were well acquainted with the principles of the family to which he had the honour to belong, and he did not think there had been any point in his conduct, which could make it doubted, that he would support the constitution on the principles of his ancestors. He considered it as a reflection on the county of Surrey to say, that they supported the present Administration,

usion, and he believed that they would soon shew that they could not be attached to that man, who was, no doubt, attached to the Minister of the hour.

Mr. Joseph Mawby contended, that he had alluded to the *Sir Joseph Mawby*, and not the Ministers, of the hour. He had never Mawby mentioned that the freeholders of Surrey were devoted to the Minister. He had enjoyed a seat, during thirty years in the House, endeavouring faithfully to discharge his duty to his constituents. He had always voted as an impartial and uninterested man, and did not despair of the approbation of his constituents, and the continuance of their partiality.

Mr. Christian called the attention of the House to the *Mr. Christian* question before them, and said, it was their duty to extinguish all party considerations.

Mr. Fitzherbert rose, and being an inhabitant and a freeholder of Surrey, was speaking on the subject of the *Mr. Fitzherbert* Minister's influence in that county, when

Mr. Vyner rose to order.

The Speaker declared, that the debate had gone wide from the question, and lamented the time which it had *Speaker.* wasted. He urged the necessity of confining the debate to the question before the House, and hoped to have the assistance of the House in preventing future disorder.

Mr. Bouverie observed, that it certainly behoved the *Mr. Bouverie.* House to enter upon the subject of appointing a Regent as soon as possible. He was willing to agree with the address, if no farther restrictions were meant to be incorporated in the bill than those to which the House had agreed: but if any additional restrictions were intended, he should not meet them with a dissenting voice.

Mr. Sheridan, having premised that he did not mean in *Mr. Sheridan.* the least to advert to that part of the debate which respected the question of order, nor to go at large into any argument to prove that there was an evident want of system, though, upon this ground, he must agree with his honourable friend near him, and likewise in his assertion, that the measure then proposed would cause delay. He added, that there were two things which, he owned, would incline him to agree to the address; and that one of these was, that it had been understood that the idea so hastily suggested on a preceding evening, of limiting the duration of the Regency was abandoned, and the reducing the form of the constitution to a republic, by making the election of a supreme governor annual, would no longer be insisted upon. He declared, that when this idea was first started, the right honourable gentleman seemed to be ready to embrace it; he could not, therefore, but wonder at the sort of acquiescence manifested by the House to a proposition

of so monstrous a nature, pregnant with such extre-
mischiefs, and tending in the first instance to chang
form of the constitution. Mr. Sheridan reverted to
he had mentioned the day before, and again remarked
the resolutions, upon the face of them, appeared to be
and permanent, since they contained nothing which pe-
out that they were calculated merely to subsit for
mited time, and to answer an emergency of only a
porary nature, although upon that single ground,
again and again by the right honourable gentleman
self, and other gentlemen, in debate, had the House
called upon to vote the resolutions. He enforced the
cessity of accompanying the resolutions, when laid ^{to} His Royal Highness, with some intimation of this
material circumstance; and, before he sat down, de-
clared that he would move an amendment to the motion, in
to add words to that effect. Another point was, tha
scheme of setting up what had been properly enough to
a phantom and a shadow to represent the Third Estate
to be abolished; if the fact were so, he should rejoice
 exceedingly, because he could not but regard the resort
such a mode of obtaining the Royal assent as a fa
and a violation of the rights of the Third Estate, &
assumption of the exercise of those rights in the
Houses of Parliament, to whom it did not constitutie
belong. The right honourable gentleman over again
thought proper to contend that the House had already
terminated on that point; but he begged leave to say,
they had not determined it; they had, indeed, talked
and loose hints had been given in the course of deb
the nature of the thing intended to be put in practice
all they had decided was, that it was necessary for the
Houses to determine on the means by which the Roy
assent should be given to a bill; and, most certainly,
was a wide difference between resolving that it was
sary for the two Houses to determine on the means, ar
means themselves. Another matter, which remained
wholly unexplained, was the degree of state and atten
which the right honourable gentleman had observed in
meant to move to be annexed to His Royal Highne
Prince of Wales, in the room of that power and patre
which, by the fifth resolution, he had proposed to take
from him. As the right honourable gentleman seen
mean to retain that office, and give up every other, he v
that at the time when the restrictions were laid before
Royal Highness, the right honourable gentleman wo
sert something in the address to apprise His Royal Hi
of the intention, that he might know what he was to

ould be contained in the bill, and that it was to contain nothing else besides the Restrictions. Mr. Sheridan concurred with moving, by way of amendment, to add to the motion, "that the restrictions were formed on the supposition that His Majesty's illness was only temporary, and might be of no long duration." These words, he said, had taken out of the right honourable gentleman's letter to the Prince of Wales, which was already before the Public, and therefore, he did not imagine that any objection could be made to his amendment by the right honourable gentleman, or any other member.

Sir James Erskine seconded the amendment, and it was then read from the Chair.

Mr. Chancellor Pitt, adverting to the ground for the amendment which Mr. Sheridan had moved, admitted that he had argued that the restrictions were such as were fit only to be applied for temporary purposes; but though the necessity for them was supposed to be only of a temporary nature, it was impossible to fix beforehand the precise time when the necessity for their duration would cease. The honourable gentleman had stated, that he had selected the words of his amendment from a certain publication; but if he would refer to the publication in question, he would find that he had selected words from one part of it, which were followed by another, in which the idea was fully explained. He could not, therefore, avoid objecting to the amendment, as containing a partial selection of words from a publication in which an explanation of that partial selection was to be found. The honourable gentleman, it was clear, had either not heard the motion which he had delivered to the Chair, with attention, or he had forgotten the words of it; since if it were examined, it would be found to contain words that expressly marked that the restrictions were only temporary. Here Mr. Pitt read the part of the motion to which he alluded, wherein it was stated that the restrictions in question were such as appeared to them proper to be adopted under the present circumstances of the case. What could be so fair, as stating the limitations and restrictions to be framed on the principle of being such, as the occasion appeared at present to require? The motion, therefore, in his opinion was sufficiently expressive of all which need to be noticed, and of course precluded the necessity of the honourable gentleman's amendment. Mr. Chancellor Pitt next remarked that, as the honourable gentleman (Mr. Sheridan) had expressed his hopes that the idea of limiting the duration of the Regency was abandoned, he must beg leave to remind the House, that he had objected to any particular time being fixed for the duration of the restrictions, but an honourable

gentleman then behind him (Mr. Pulteney) deservedly of great weight in that House, had proposed to limit the duration of the bill, and upon its being objected to by a right honourable gentleman not then present, who had stated that such a limitation as went to the election of a Regent, from time to time, tended to create a republic, and to alter the form of the constitution, in answer it was said, that the period of limitation should extend to the power as well as the restrictions; and he must confess that he thought it less an evil that limitations should be put on the whole, than on a part of the plan. He had himself mentioned no limitation at all, but had thought it best to be left open for that House, in future, to judge of the nature and circumstances of the case, and, therefore, he had begged the honourable gentleman not to press them at that time: a requisition with which the honourable gentleman had concurred. One of those Champions of the Constitution, on the other side the House, had contended that no ties ought to be fixed to any part of the bill. He must, however, repeat, that if it should be thought proper that any part were to be limited, the power ought to be limited likewise: because, otherwise they suffered the power of providing in future, as the nature of the case might require, to go out of their hands, and the Prince of Wales would be bound only for a limited time, while they would remain subject not only to the inconvenience, but lose the claim of being attended with all the convenience possible, because the convenience was their reserving it in their own power to act upon their discretion, as the necessity of the case might demand. At present they did not know but the bill might be objected to by the Prince, and, if so, a very different mode of proceeding must be adopted; but, if the Prince should agree to accept the Regency on the conditions stated in the restrictions, what then would prove the consequence? The bill would proceed after the opening of the Parliament. The House could not be pledged further than their honour and judgement had led them in framing the present resolutions; and on the other hand, he could not answer better than, as an honourable friend of his behind him had expressed himself, if the bill altered the conditions stated in the restrictions, or superadded new ones, in that case the Prince could not be considered to be bound by his answer to the restrictions then under their consideration, whatever might be the nature of such an answer. But, he would ask, which was most probable, after having voted the restrictions, either that they would abide by them, or depart from them? If the House departed from them, they would lose the object at which they aimed, and all which they had hitherto done would prove 'matter of fruitlets' baw

hour and useless discussion. The spirit of the resolutions contained every point which appeared to him necessary to be decided before they proceeded to the immediate step of opening the Parliament, and moving a bill; and, indeed, had any thing else occurred to him as necessary, he certainly should have proposed it. The spirit of those resolutions was, that all the royal power should be exercised by his Royal Highness the Prince of Wales, in the name and on the behalf of his father, subject to the Restrictions which were specified. He hoped, therefore, that his Royal Highness would not object to the restrictions, and that the House would not find any material inconvenience in presenting the motion with the resolutions to his Royal Highness; but, if it should even prove a material inconvenience, he trusted that it would be deemed an inconvenience necessary to be incurred, as it would ensure their future proceedings, and rescue them from the hazard of losing much time, and giving themselves much further unnecessary trouble. As to the charge of want of system, and want of method, and of intentional delay on the part of His Majesty's Ministers, it had been lightly and wantonly thrown out, but not supported. Mr. Pitt begged leave to remind the House of the steps which they had taken as the best refutation of that charge, and said, that after having ascertained the fact of the King's incapacity, they had proceeded immediately to the object in view, but their progress had been interrupted by the assertion of a right in the Prince of Wales to assume the exercise of the sovereign authority: an assertion which necessarily and unavoidably called for discussion and decision previously to their proceeding any farther. The ground cleared of that question, and the two Houses having resolved, that the right of providing the means of supplying the defect in the executive authority was in *them*, and that it was their duty to exercise it, a new delay arose in consequence of a declaration, that it was necessary to have a farther examination of His Majesty's Ministers, accompanied with such statements as made a farther examination of the physicians unavoidable; but, it was to be remembered, that the delay originated not in His Majesty's Ministers, nor on that side the House. That examination over, they had debated the restrictions thought necessary to be agreed to by the Regent under the present circumstances of His Majesty's probability of recovery, and were now arrived at the point, when it was necessary to lay their resolutions before his Royal Highness the Prince of Wales, in order to know whether his Royal Highness would accept the Regency on those terms or not. Mr. Pitt added, *that in answer to this statement of the outlines of the principal*

cipal part of their proceedings, it might possibly be contended that they had been too critical and too minute; but, in reply, he should beg leave to ask, could they be too critical and too minute in questions deeply and materially affecting the constitution of the country? Among other points which might console them for the time they had spent, he could assure the House, notwithstanding the mysterious insinuation of a want of harmony among those who ought, on such an occasion, to agree, made by an honourable Baronet in the beginning of the debate, that no difference of opinion, however some gentlemen might wish it, had prevailed. So far from it, he had great pleasure in telling the honourable Baronet and the House, that there not only had been no interruption of harmony among those, whose task it was to co-operate in the present arduous situation of affairs, but the more they had thought of the plan of proceedings, which they had felt it to be their duty to propose, the more they were confirmed in their original opinion of it, and the more determined uniformly to concur in completing it to the utmost, as an act of indispensable duty to their Sovereign and their country. With regard to the charge of delay likely to be occasioned by the present motion, in point of fact, he did not think it probable to be so great as the honourable gentleman had suggested; but, if the measure was, as he thought and stated it to be, a necessary measure, though he had all along been, as the House well knew, an advocate for dispatch, he should conceive, that in so very important a point, doing the business well, was preferable to doing it speedily. The difference with regard to opening the Parliament, however, could not be a week. If that House voted the two motions for the four first restriction to be carried up to the Prince, and the fifth Resolution to the Queen that night, they would, the next day, carry them to the Lords, who would discuss the propriety of voting them, and probably might vote them in the course of the same day; and, in such a case it was not impossible that they might receive his Royal Highness's answer on Thursday. With respect to the execution of what had been called on the other side of the House a phantom, but which he trusted, when explained, would be found not to be an imaginary, incorporeal being, but of the solid and material substance of the constitution, it might, either in that House or the other, be entered upon the same day; if in that House first, the House of Lords might sit on Saturday, and the bill be brought in and entered upon early next week, perhaps on Monday, and the whole system as far as regarded that House, would thus become compleated in the course of that week. An honourable gentleman had said, that he was no enemy to any mark of respect and attention being shewn to the Prince of Wales;

but, that, throughout the measure there had been a manifest want of attention and respect to his Royal Highness: but, for his own part, he could declare that he had never thought it necessary to take notice of the numerous anonymous libels so industriously put in circulation throughout the town, and throughout the country. To such libels, avowed by no person, it was impossible to give an answer; and, yet, if any man thought that there had been real ground for a complaint of want of respect and attention towards the Prince of Wales, in any part of his conduct, he called upon that man, in truth and in fairness, to state the instance, and he would cheerfully meet the charge. He considered respect to his Royal Highness the Prince of Wales as one part of his duty to his Sovereign. It was inseparable from it. But, though he should be extremely sorry to be deficient in that exterior and ceremonious respect, that was justly due to the Prince of Wales, yet, what he owed to his Sovereign, to the Constitution, and to the People of England, was paramount to any personal respect which might be due to any character whatsoever. Though it was paramount, however, to all degree of personal respect, it was not inconsistent with such a compliance with decorum; and he ever had, and ever would pay the same respect to His Royal Highness the Prince of Wales as to all the rest of the Royal Family, and to the Sovereign himself. The greatest respect he could pay to all of them, was, to cultivate the interests of that nation, which the ancestors of the present Royal family were called upon to govern, and to watch over the safety of that Constitution, in the protection of which His Royal Highness the Prince of Wales would one day be interested.

Mr. Grey rising next, observed that he felt himself in rather an unpleasant situation, because he could not bring forward any charge of the nature in question, without appearing to speak from some authority; but, as he had undoubtedly accused the right honourable gentleman of having treated His Royal Highness the Prince of Wales with want of respect and attention, he would proceed specifically and distinctly to make out what appeared to him to be sufficient grounds for that charge, being determined never to flinch from what he should at any time say in that House. Whether what he should offer might appear in the same point of view to the House, was not for him to determine; he only begged them, in the first place, to understand, that he spoke his own sentiments, without consultation with any one, and without the privity and concurrence of any individual whatsoever. The right honourable gentleman appeared to him to have shewn a manifest want of respect and attention to the Prince of Wales, the first place, in the manner in which, when the Privy Council was summoned to examine His Majesty's physicians,

the intimation of its being convened, and the object was communicated to His Royal Highness; all this was done by the same sort of ordinary summons which was to the other Members of the Council. It was upon this occasion that either the right honourable gentleman, or Lord President of the Council discovered a marked want of respect and attention to the Prince of Wales. The want of respect and attention to His Royal Highness, the right honourable gentleman's not having submitted the whole of his intended plan to His Royal Highness, before any of the proceedings of Parliament took place, and deed, previous to its public statement in that House which he conceived an honourable Baronet, who had spoken early in the debate, had alluded, when he said that they been guilty of an indecorum, in not stating the resolution to His Royal Highness earlier. Another instance he mentioned, was chiefly grounded on public report, and was the manner in which, when the proposed restriction were communicated to the Prince of Wales, that communication had been made. In that, as in the preceding instance he conceived there was a considerable portion of a reprehensible want of respect and attention to His Royal Highness. With regard to the charge of a want of a system in the proceedings of the right honourable gentleman's upon subject of the Regency, which the right honourable gentleman had thought proper to say had been wantonly and lig urged, and had not been supported, as the right honourable gentleman had now heard from him upon what the charge shewing a want of respect and attention to His Royal Highness the Prince of Wales was founded, so should he have the pleasure of hearing him re-state the charge of want of system in his measures. The right honourable gentleman seemed to consider his plan of proceedings as perfectly regular, as if one part of it sprung out of another, and the whole was a system of harmony and order, which they must admire for its symmetry and beauty. In order to prove the right honourable gentleman had gone into a recapitulation of their proceedings, from the moment of their having ascertained the fact of His Majesty's incapacity. The honourable gentleman, however, had passed over one of their proceedings, and that also of an early date, of which he begged leave to remind him. It was, his second motion for a Committee to search for precedents; which had introduced with an argument, that it was necessary for the House to have the advantage of the collective wisdom of their ancestors to guide and govern their conduct by; yet when that curious publication then upon their table referred to, it would be found, that it was rather a

ach them the errors of their ancestors, than to exhibit
roots of their wisdom, since the measures which the right
honourable gentleman had taken, were not grounded upon
any one of the precedents contained in the Report, nor did
they bear the smallest analogy to any one of those precedents.
It was evident, therefore, that the right honourable gentle-
man had not gone upon any one system or method, and that
he had had no plan arranged by a combination of all its parts,
constituting a regular and complete system, but had led
them on, step by step, coming forward with separate and
discordant propositions, merely as the exigency of the day
suggested.

Mr. Chancellor Pitt answered, that he felt it totally need-
less to animadver^{Mr. Chancellor Pitt.} at all upon the concluding part of the
honourable gentleman's speech, because every candid and
impartial man might judge whether he had or had not pro-
ceeded on one regular and uniform system; and he was per-
fectly content to leave the whole to that decision. He would
only advert to the charges of disrespect and want of atten-
tion manifested by him towards His Royal Highness the
Prince of Wales; and so far was he from complaining of the
honourable gentleman for having made the charges, that he
acknowledged he felt himself highly obliged to the honour-
able gentleman for having stated them so fairly and explicitly;
as it afforded him an opportunity, which he could not other-
wise have had, of meeting them in the face of that House,
and of the public, which was the only way in which he could
have taken notice of them, consistently with what was due
to himself and to the country. The first charge was a failure
of respect in the manner of sending notice of the meeting of
the Privy Council to the Prince of Wales, which he might
easily have gotten rid of, by saying, that if it was proved
an error, it was not his error, but that of the Lord President
of the Council. He disdained, however, to avoid taking his
share of the blame which might be thought imputable to any
measure of that venerable and respectable personage, with
whom it was the pride and happiness of his life to act, and if
he had wished at any time to avoid such a participation of
blame, he was convinced, from the degree of cordiality and
confidence in which the noble and learned Lord and he lived,
it would, in point of fact, be utterly impossible for him to
have an opportunity of being placed in such a predicament.
The first part of the charge was, that His Majesty's Min-
isters had not previously consulted the Prince of Wales upon
the subject of those measures which they were to take in the
difficulty wherein they found themselves involved in the
execution of the trust reposed in them by the King. He
owned the truth of this charge in that point; His Majesty's
Ministers

Royal Highness had received no other than the ordinary
tice sent round to every other Member of the Council
was evident that the honourable gentleman had been g
misinformed in point of fact. So far from the event h
passed as the honourable gentleman had stated, His R
Highness received a special letter, written from the
President of the Council, stating the subject to be sub
to the Privy Council, and the business to be entered
and therefore His Royal Highness had been summone
manner the most respectful, and totally different from
in which any other Member of the Privy Council had
summoned, excepting only the other Princes of the E
The next charge, Mr. Chancellor Pitt observed, was
sonally against himself; it was the charge of not havin
quainted His Royal Highness the Prince of Wales wit
whole of his plan, previous to his opening it in that H
To the truth of the fact alledged, he must also, in
point, subinit; but, he begged gentlemen to recollect
had passed, and he believed it would be granted, tha
circumstances considered, it was a little hard that it sh
be made a matter of charge against him of want of r
and attention to the Prince of Wales. He had resolve
soon as ever a plan should be adjusted, to communicate
His Royal Highness the Prince of Wales, previous
stating it to the House; but, in the course of the deb
that House, when the question of right was prelimin
under discussion, gentlemen would remember, that b

question involved in it considerations, the decision upon which might supersede the necessity and propriety of that House deliberating at all upon any farther steps to be taken, it was needful to have it discussed as a question preliminary to any other proceeding. With regard to the disrespectful manner in which it was reported, that when the communication of the restrictions intended to be proposed to the two Houses, was made to His Royal Highness, the rumour had proceeded to such an extravagant length, that he believed it had gained credit about town, and he was sure that it had been circulated in the country, not only that a message had been sent by a livery servant, but that the message had been verbal. The truth, however, as the public were now apprized, was, that the communication had been made respectfully in writing, and the letter had been sent, not by a livery servant, but by a messenger, dispatched for the especial purpose. Perhaps, Mr. Pitt added, there might be a failure in point of respect in this mode of communication. No man, he owned, was more ignorant of etiquette than himself; but, he was not conscious of even the most distant intention to shew disrespect to His Royal Highness. He had repeatedly made communications to His Royal Highness before, in precisely the same mode, without its having ever drawn upon him the smallest animadversion for a failure in etiquette, or having been considered as an instance of disrespect; and, during the five years that he had been in Administration, he had never communicated any of the numerous papers, dispatches, &c. which he had, from time to time, found occasion to transmit to His Majesty, in any other manner; and he was sure that he had not intended to have shewn a disrespect to the Prince of Wales, in the instance alluded to, more than he had ever intended to shew a disrespect to His Majesty, during the period that he had been honoured with his Royal confidence. He trusted that the explanation which he had given of his conduct in those particulars, in which a want of respect and attention to the Prince of Wales had been imputed to him, would prove satisfactory to the House; and he was persuaded that no gentlemen would be more happy than those, who had conceived that there had been some reasonable plea for the allegation. He flattered himself, therefore, that they would in future consider the grounds of rumours, before they hastily gave them credit; and he should intreat gentlemen to reflect a little on the candor of all other public rumours, and to judge of them by the very slight degree of truth which he had proved to exist in the rumours that were circulated so injuriously to his character.

Mr. Burke observed, that he placed no confidence whatso- Mr. Burk
ever in mere rumour; and the rather because he knew what

the right honourable gentleman's behaviour, conduct, and manners were; and he was too fully convinced that he had shewn great want of respect and attention to the Prince, in the whole course of the proceedings respecting His Royal Highness. The right honourable gentleman had talked of etiquette, denied all consciousness of guilt, and called for the proof. If they had been accusing the right honourable gentleman of a crime, they must have recourse to the laws; but, it was a want of civility and good manners, where both were so eminently due, that they were charging him with, and that charge was easily made out. The right honourable gentleman had said, that to treat the Prince with disrespect, was to treat His Majesty with disrespect; the right honourable gentleman was, in that opinion, correct, since those who injured the Prince of Wales, undoubtedly injured the King. That fact being admitted, what were they then to think of the right honourable gentleman's not having consulted the Prince of Wales on the subject of convening the Privy Council, and the measures to be taken therein? The right honourable gentleman had declared that the King's servants were not to take orders from the Prince, but to consider him as any other Member of the Council. Was every man, he would ask, to be regarded as shewing the necessary degree of respect and civility to the Prince of Wales, who, because he was not by law bound to take orders from His Royal Highness, therefore chose to pass him by without notice? In what a peculiar situation did His Royal Highness stand! A grievous calamity had fallen on his family, and he had been thereby freed from the protection of a father, who, if in a state of capacity, would have guarded him from the insolence of his servants. There was an evident and a gross want of attention and want of humanity in the right honourable gentleman's conduct; since, in the case of an affliction fallen on a father, who ought to be consulted as to what was necessary to be done, so soon as the eldest son? Was it not usual, in all cases of illness and disaster happening to the head of a family, to have recourse to the next person in it, as the one most interested in the event of the affliction?—Great incivilities, when premeditated, might pass into something of a higher nature than want of respect, and might be met upon other grounds, but, in considering that no more notice was due to the Prince of Wales than to any other Member of the Privy Council, there had been a reprehensible want of attention. He next observed, that the right honourable gentleman had stated his plan in that House, previous to his communication of the plan of proceedings to the Prince of Wales. Here,

Mr. Chancellor *Pitt* begged leave to remind Mr. Burke, Mr. that he had explained to the House the manner in which that Chancellor explanation had been called for, which made it impossible for Mr. Pitt. him not to decline bringing it forward.

Mr. Burke answered, that he must, in his turn, be permitted to call to the recollection of the right honourable gentleman, that he did not allude to this inclination. On the contrary, he considered the right honourable gentleman's explanation on that head as perfectly satisfactory, and had therefore passed it over. What he meant was, the right honourable gentleman's having forced the House to debate the question of right, without having previously communicated to His Royal Highness, that a right, in which His Royal Highness was so much interested, was about to be made the subject of discussion. That was, in his mind, a great indecency, and the more so, after the humble, satisfactory, respectful, but at the same time dignified manner, in which that discussion had been deprecated by the Duke of York, and a declaration made, that His Royal Highness the Prince of Wales, from a thorough regard to the constitution, whatever right he might have, was willing to accept the Regency on such terms as the two Houses of Parliament should think proper to give it. Mr. Burke praised the fraternal affection manifested by the Duke of York, which, he said, proved His Royal Highness to be a worthy person, and afforded well-grounded hopes that he would be ready and willing to assist his brother. With regard to the manner of communicating the intended restrictions to the Prince of Wales, the right honourable gentleman could not be ignorant that when papers were sent to His Majesty, the usual mode of transmission was by a black box, which was deemed respectful, the box being considered as marking the respect. Mr. Burke added, that he would leave the degree of disrespect manifested in this instance to the judgement of the Public, who would, doubtless, decide it in their usual manner. It was beyond a question, that those who approved the right honourable gentleman's conduct, would have imitated it, had they been in his situation. As to the question then before the House, it was, as his honourable friend had stated it to be, nothing more than a direct endeavour to create unnecessary delay. They had been taught, the preceding day, to think that the business of the address would have come on in the House of Peers; and wherefore such a circumstance had not occurred, he could not tell, but he saw no reason whatever for losing a week. The right honourable gentleman had said, that they could not receive the answer of His Royal Highness before Thursday, and that they could not sit on Friday. He asked, *why not sit on Friday?* Friday was the true day, the only

day proper for such business ! The day on which the nation was to commemorate the extinction of Monarchy, which had not been effected without the spilling of blood ; and therefore Friday was, of all days, the most fit for taking that step, which was to annihilate the Constitution, and to change the form of our Government. Whether the putting off the business in the House of Lords the preceding day, had been owing to a difference among Ministers, he knew not ; but there was a little bird, a small robin red-breast, which sung that something like it had happened ; and when he talked of a little bird, he borrowed the idea from the right honourable gentleman's father, who had said, a little bird told him that the Lords of the Bedchamber were, at a certain time, supposed to exercise their influence in a manner not absolutely proper. The same bird, Mr. Burke remarked, had whispered to him that there was a reason for not proceeding as had been intended, and for suddenly shifting the business upon their shoulders. Perhaps, he added, the other House were not yet recovered from the effect of that extraordinary burst of the pathetic which had been exhibited the other evening ; they had not dried their eyes, and been restored to their former placidity, and they were unqualified to attend to new business. The tears shed in that House on the occasion to which he alluded, were not the tears of patriots for dying laws, but of Lords for their expiring places. The iron tears which flowed down Pluto's cheek, rather resembled the dismal bubbling of the Styx, than the gentle murmuring streams of Aganippe. In fact, they were tears for His Majesty's bread ! Those who had been fed by the King's bounty were supposed to have deserted him in his utmost need. There was a manifest difference between that House and the other ; between patricians and plebeians. They, in an old-fashioned plebeian way, would have observed, " If we can no longer serve the King, " we will no longer receive his wages ; we will no longer " eat his bread ;" but the Lords of the Household held a different language, and pursued a different conduct ; they would stick by the King's loaf as long as a single crumb of it remained. They would fasten on the hard crust, and would gnaw it, while two crumbs of it held together ; and, what was more extraordinary, they would proudly declare at the time, that it was the honour of the service which they regarded, and the dignity of their offices ; and that as to the emoluments, they did not value the money three shillings of a pound. This was gratitude ; a degree of gratitude which Courtiers never failed to exhibit ! Under that roof, they considered mankind as subject to human frailty, and dreading the effects of that infirmity, to which all human nature was equally liable, they

ied to guard against it, by voting again and again, officers of all and every description should be disqualification fitting in that House. But, the Lords of the old were a different order of beings; they were beyond the reach of influence; they were a set of saints and sibyls, superior to the lusts of the flesh and the vanity of the world. Mr. Burke observed, that the right honourable gentleman had called his honourable friends the sons of the Constitution, and he declared that they should be such. They were placed there for that purpose, they would abuse their trust, if they took powers which belong to them, in order to flatter another with a degree of authority which did not belong to him, or in order to deprive another of a right which did belong to him. The right honourable gentleman was bound to shew why he chose to limit the limitation of the Regency, in point of time, to a certain number of the restrictions. His right honourable friend, (ox) who was absent, Mr. Burke said, had not declared his approval of that limitation, but had remarked, that it meant to make a Republic, he should, in such a case, be of a limitation of the Regency, and an annual election. He should approve of it for the same reason. If they would make a Republic, why did they not make it in a proper way, and openly declare their intention? If he were asked, he would hate a republican speculation? he would answer, But, he knew a Republic could not be speculated upon, according to our Constitution. He loved, he revered, he loved the true principles of a Republic, but, was that the way of instituting a Republic? "O Republic!" exclaimed Burke, "how art thou libelled! how art thou prostituted, buffooned, and burlesqued!—O fabric! built after many ages, and cemented by the blood of patriots, how thou degraded!" As well might it be said, that the painted creatures of the Opera House were the representatives of heroes, the true and perfect Cæsars, Catos, and Scipios of Rome, as that strange and jumbled chaos, the representative of a real Republic. Such an attempt to establish a Republic as the present, was the certain way of having the master set over them, and introducing the most hypocritical of Government to which it was possible to resort. Burke reproached the idea of the fiction of law, which could be made use of to open the Parliament, and said that he had heard of a phantom being raised in a private room, but for the purpose of robbing the house. So far from being a representative of the forms of the constitution, a masquerade, a mummery, a piece of buffoonery, was burlesque the Constitution, and to ridicule every form of Government! A phantom conjured up to affright propriety,

propriety, and drive it from our isle ! An hideous spectre, to which, in the language of Macbeth to Banquo's ghost, it might be said,

Avaunt and quit my sight ! Let the earth hide thee !
Thy bones are marrowless, thy blood is cold ;
Thou hast no speculation in those eyes
Which thou dost glare with.

And so in fact it was with this political spectre ; its bones were marrowless, its blood was cold, and it had no speculation in its eyes ! He reprobated it, therefore, as a chimera, a monster taken out of the depths of hell. As to the letter of the Chancellor of the Exchequer to the Prince, Mr. Burke declared that it conveyed private intimations, which he would not publicly avow, and added that, with respect to the right honourable gentleman giving his word, he might do as he liked ; but, if he did not agree to a special limitation of the restrictions, his faith was broken ; because, if they passed the bill, without any clause of limitation, they gave the lock and the key to the door of revision and limitation out of their own hands, and delivered both over to the other House. These were dangerous points, and he must contend that they were illegal, and, unfortunately, without remedy. The People at large, who were deluded and acted upon that delusion, could not be punished, because it would be a massacre ; but what should they say of those who misled the People, and under a pretence of an ardent zeal for the Constitution, endeavoured to advance the purposes of their own private ambition ? Mr. Burke concluded, with stating, that for the reasons which he had mentioned, he should support the amendment.

Mr. Pulteney. Mr. Pulteney begged leave to trespass for a short time upon the attention of the House, whilst he explained the motion which he did not make on a former day, but only had stated loosely. When he had risen for that purpose, it was at a very late hour, and gentlemen probably were so fatigued, that they had not paid it that degree of attention, which they otherwise would have done : and hence he supposed that the tendency of the motion was so much misapprehended as he found it to be. Gentlemen talked of his motion having a tendency towards introducing a republican form of government. It had no such tendency, and he should have imagined that his principles were too well known, for any man to have supposed that he was inclined to be a favourer of republican notions. He never had intended to favour them, on the contrary, he was an advocate for limited monarchy ; nor was it possible for any individual

dal whatsoever, to think more highly than himself of the monarchical principles of our government.

Mr. *Sheridan* observed, that anxious for the termination of the debate, he should with this view, propose a farther *ridan*. amendment, which he trusted would remove all the right honourable gentleman's objections. The House might hereafter debate on the right honourable gentleman's intended motion of limitations, which he must still maintain was adverse to the interests of the country, and verged in such a degree towards a republican form of government, that His Royal Highness could not possibly find any beneficial consequences whatsoever resulting from it, in favour of either his present or his future prospects.

Mr. *Palmer* desired permission, for a moment, to interrupt Mr. Palmer the honourable gentleman, for the purpose of declaring that *teney*. what he proposed, was, in his humble opinion, calculated to advance equally the benefit of the Prince, and of the Country.

Mr. *Sheridan* answered, that in such a case, the House Mr. *Sheridan* would perceive the want of system. The honourable gentleman had, on a former night, suggested on a sudden an intention to propose a limitation of the existence of the Regency, which he had just told the House he meant to persist in, and should state more fully hereafter. It was upon this occasion, that the right honourable gentleman had professed an acquiescence, and after having stated, that his mode of proceeding was a mode which was not to be changed, he had in a manner agreed to receive the honourable gentleman's proposition, and to change it hereafter. To what end then vote the proposed address to the Prince of Wales? If they adopted any additional regulation, or made any alterations, they would necessarily have to do the business which they were now about, over again, and to send up a second address to the Prince, to learn, whether in the altered state of the restrictions, His Royal Highness was yet willing to accept the Regency. Mr. *Sheridan* pressed this argument, and then said, that, in order to obviate the right honourable gentleman's scruples, he should propose an alteration to his amendment, to which he did not think that the right honourable gentleman could object. If he had understood what the right honourable gentleman had said before upon the subject, he had signified that his objection to the amendment was, that it proved what the right honourable gentleman had termed a partial selection from a paragraph in his letter to the Prince of Wales, and that he had left out certain words of importance. He could not, Mr. *Sheridan* remarked, consider those omitted words in any other light than as words of surplusage; but, in order to satisfy the right honourable gentleman, and

“ WISDOM OF PARLIAMENT TO RECOMMEND THESE PROVISIONS.

Sheridan said that he must beg leave to read that part of the motion, on which the right honourable gentleman had reas marking in the right honourable gentleman's mind the restrictions were calculated merely for the present gency, and were consequently only of a temporary na He asked if those words conveyed so clearly, distinctly, intelligibly, that the restrictions were permanent, and temporary, as the words of his amendment warranted a conclusion. Why then, would the right honourable gentleman use dubious words, when he might speak plainly directly? The right honourable gentleman had before declared that his letter was partially quoted. He had taken the part which was omitted, and added it to the o and, therefore, if the right honourable gentleman mea do justice to the Public, and to the Prince, he couk with the Jeast consistency, persevere in his objections.

Upon the question put, that the House give leave that the first amendment might be withdrawn, in order to give Sheridan an opportunity to join the first and second amendment, and move both as one amendment, leave was given and the question was then put on the whole of the second amendment.

The strangers were then directed to withdraw; after a debate took place, wherein Lord North, Mr. Powys, Dempster, Mr. Chancellor Pitt, Mr. Wyndham, and Burke took part, and in which much was said on the

Mr. Chancellor *Pitt* answered, that he could not agree with the honourable gentleman, that the mode which he had ^{Chancellor} preferred, was the best. ^{for Pitt.}

Mr. Sheridan's amendment was at length negatived without a division, and the main question carried.

Mr. Chancellor *Pitt* next moved his address to the Queen, in order to know if Her Majesty was willing to accept the care of His Majesty's person, and the management and control of the household, as stated in the fifth resolution? The motion was as follows:

"That the resolution, which relates to the care of His Majesty's person, and the management of His Majesty's household, being in the Queen, should be communicated to Her Majesty with an address, humbly desiring Her Majesty to take under her care those important trusts, as soon as an act of Parliament can be passed for that purpose."

Mr. *Burke* hinted at the necessity of moving certain restrictions and limitations on the powers to be vested in Her Majesty by this resolution.

The House afterwards voted the second motion, and a conference was ordered to be desired with the Lords, on the morrow, in order to deliver the two motions, and desire their concurrence.

The House adjourned.

Wednesday, 28th of January.

Lord Belgrave, according to order, waited upon the Lords to desire a conference; which being agreed to and holden, at length the managers, being the same persons who conducted the preceding conference, returned; and, Lord Belgrave acquainted the House, that, as he was directed, he had delivered the resolutions to the Managers for the Lords.

The House adjourned.

Thursday, 29th of January.

At the desire of the Lords, a conference took place; and when the Managers returned, Lord Belgrave acquainted the House, that they had met the Managers for the Lords, who had returned, the resolutions with the blanks filled up, as requested at a former conference.

As soon as the last message from the Lords had been received, and an answer given to the Masters in Chancery, who came as Messengers from that House,

Mr. Chancellor *Pitt* moved, "that the order of the day for going into a Committee on the State of the Nation be read;" which being read accordingly, he then moved, "that the said order be discharged." This having been

agreed to, Mr. Chancellor Pitt next moved, "that the House resolve itself into a Committee on the State of the Nation, on the ensuing Monday."

As soon as the Speaker had read the question,

Mr. Sheridan. Mr. Sheridan rising immediately, remarked that he impossible to remain silent concerning the situation in which the House stood. The right honourable gentlemen had, on the preceding Tuesday declared, that there not be the delay, which an honourable friend of his, as he, had expressed their apprehensions of, during the course of the debate, but that on that day the House have to proceed in the Committee on the State of the Nation. They now found themselves no nearer to the than they were on Tuesday last. He wished, therefore the question was put, to know from the right honourable gentleman, what could occasion this failure of his promise, and, consequently, this impediment to business.

Mr. Chancellor Pitt. Mr. Chancellor Pitt answered, that he readily acknowledged having expressed a hope on Tuesday, of the House being able to proceed as that day, in the Committee on the State of the Nation, and, at the time, he had expected his hope would have been fulfilled, but events had taken such a turn, as rendered it impossible. He could in a parliamentary manner, communicate what those were, but as he was anxious, at all times, to give the House every possible satisfaction, and yet, disorderly as it would venture to mention, that he believed His Royal Highness had appointed the next day, at three o'clock, to the joint address of the two Houses, and that the House of Lords would sit on Saturday, to take the next step for providing a commission for opening the Parliament, and therefore it would be to no purpose for that House to sit on the same day.

Mr. Sheridan. Mr. Sheridan admitted, that it was unparliamentary to take any notice of what the right honourable gentleman said, but, as it had been expected on the preceding Monday, that the address would have been moved in the House of Lords on that day, and one of His Majesty's Ministers prevented it; so the same hindrance might arrive as respect to the commission to be issued for opening the Parliament. On Tuesday last, the right honourable gentleman had declared, that there existed the most perfect harmony and cordiality among His Majesty's servants; he hoped, therefore, that the right honourable gentleman would feel sufficient in giving the House a positive assurance, that business would be proceeded on in the House of Lords on Saturday, either by pledging himself for the fact, or that he really had good reason to believe it would be.

at; or, if he was unwilling to do this, that he would suffer that House to sit on Saturday, that they might enter upon the business, in case the Lords should disappoint them, as they had done on the preceding Monday. He could not, Mr. Sheridan remarked, presume to say, that the Prince of Wales would have been ready to receive the joint address, and to have given his answer upon that day, but would the right honourable gentleman undertake to declare, that His Royal Highness would not have received it that morning?

No answer being given, the Speaker proceeded to put the question, when he was interrupted by,

Mr. Grey, who observed that, notwithstanding his conviction, that it was rather novel to object to a motion of such a nature as the present, he was strongly induced to oppose the question. On Tuesday last, he had taken the liberty of stating, that a whole week would be lost, when the right honourable gentleman had denied the fact, and said, that the House would that day be able to receive the Prince's answer, and that they might proceed in the Committee on the State of the Nation. What had since happened, was a corroboration of his charge against His Majesty's servants, that their great object was delay, and that they proceeded on no sort of system; but went on in the dark, ignorant one day of what step they should take the next, and perfectly at a loss clearly to ascertain the end at which they were aiming.

Mr. Steele observed that his right honourable friend (Mr. Pitt) had not declared positively that they would be able to proceed that day; but, in answer to the honourable gentleman's assertion, that a whole week would be lost by adopting the mode proposed of addressing His Royal Highness, had argued, that there need not be a delay of more than a single day; because, if the House of Lords should vote the address the next day (Wednesday), and the House should receive the Prince's answer on that day (Thursday); in that case, one or other of the two Houses might sit on Saturday, and proceed with voting the commission to open Parliament. This, as nearly as his memory would serve, had been the argument of his right honourable friend, who had only said, that there need not be a farther procrastination than that of a single day.

Mr.
Steele.

Mr. Grey replied, that he could not suffer the impression to go forth, that the delay had been occasioned by the Prince of Wales, which he conceived would be the case, if he did not call upon those on the other side the house to declare, whether His Royal Highness had manifested any disinclination to receive the address as that day. He was persuaded, that the Prince of Wales had signified no such disinclination: he was, therefore, determined to take the

sense of the House upon the question of the amendment asked, why was the raising the phantom, for so he still continue to call it, notwithstanding the right honourable gentleman's defence of its reality upon the previous (Tuesday) deemed a matter of such importance, that could not proceed to the incantation without farther money. Could they not conjure up that horrible themselves as well as the House of Lords?

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* expressed his astonishment, that gentlemen should have called upon him to declare, whether the Prince of Wales would not have received the address that day: they must know that it did not lay with him to fix the time when His Royal Highness would receive

Mr. Sheridan. Mr. *Sheridan* moved, as an amendment to the motion, to leave out the word "Monday," and insert the word "Tuesday." By sitting on Saturday, the House, he said, at least have one advantage; if a part of Administration should prevent the business proceeding in the House of Lords on that day, as they had done, in the case of the Address, on the preceding Monday, that House could meet with it, and thus prevent farther delay.

Mr. Jolliffe. Mr. *Jolliffe* complained of the delay with which business of such great importance had been conducted. He said, it had been put off from day to day, and no man could tell when it was to come forward.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* observed, that he should object to the amendment (on the very principle upon which the honourable gentleman had supported it); because the business was of great importance, and therefore ought not to be agitated unnecessarily or prematurely. He had already manifested his belief, that the House of Lords would sit upon it on Saturday, and it was unnecessary to harass the gentlemen by obliging them to come down to the House on Monday, when no business was likely to be agitated.

Mr. Marsham. Mr. *Marsham* declared that as long as he should have the honour of a seat in that House, he would contend that the House ought to do its duty directly and expeditiously, without considering what the other House might be doing. The right honourable gentleman had talked of harassing Members by obliging them to come down to the House on Saturday. If that consideration weighed with him, why did he, upon Tuesday, state, that the Prince of Wales would be received that day, and that they would sit in a Committee on the State of the Nation? Had not such an intimation been given from such a authority (Mr. Marsham declared) he should not have come

nor did he believe there would have been so full an attendance.

Mr. *Martin* observed, that he agreed perfectly with the Mr. honourable gentleman who spoke last, that it was the duty Martin. of every Member to attend to the public business, without considering whether the other House would or would not proceed with the same business; and, if on the present occasion, he thought that the Public would derive any advantage from sitting on Saturday, he would vote for the amendment, but he really did not believe that any such advantage would result from it.

Mr. *Rolle* said, he could exculpate his right honourable Mr. *Rolle*. friend from the charge of having harrassed the Members, by bringing them down that day; because, whether they were to have gone into a Committee on the State of the Nation, or not, the House must necessarily have met, to receive the message from the Lords, and to have holden their conference.

Mr. *Grey* recapitulated what had passed last Monday, Mr. *Grey*. when, after finding, contrary to the general expectation, that the business of voting the address was put off in the House of Lords, because a distinguished Member of Administration would not suffer it to be brought on; the right honourable the Chancellor of the Exchequer had himself moved to postpone its coming on in that House till the next day (Tuesday). Mr. *Grey* added, that he had reluctantly concurred in the motion for its being postponed till the next day, because he saw that the House was so thin, owing to the idea which had prevailed, that no business of importance was to come on that day. The whole of the proceedings of His Majesty's Ministers (Mr. *Grey* declared) had been uniformly and undeniably calculated for delay, and he would certainly take the sense of the House on the amendment.

Mr. Chancellor *Pitt* begged to remind gentlemen, that he had never intimated in that House, that the question of the Chancellor-
address was to be agitated, till he gave notice of it to Mr. *Pitt*. preceding Monday, for the next day's discussion, neither had he given the House to understand, that it was then likely to come on in the House of Lords.

At length the question was put, and the House divided, that the words, "Monday next" stand part of this question.

Ayes 70; Noes 51.

The main question was then put and agreed to: and the House adjourned to

Monday, 2d February.

When the Managers had returned from the Lords, the Marquis of *Graham* reported the conference, and that he had

had received from the Lord Privy Seal a Resolution to which they desired the concurrence of the Commons, the same having been read by the clerk, Mr. Chancellor Pitt, rose, and read the answer of His Royal Highness the Prince of Wales to the Resolutions of the two Houses presented to His Royal Highness on the preceding Friday. Upon motion he was ordered to bring it up, when it was read, with the resolutions annexed, by Mr. Hatsell, as follows :

Resolutions agreed to by the Lords Spiritual and Temporal, and Commons.

“ Die Veneris, 23. Januarii 1789.

“ Resolved, That for the purpose of providing for the exercise of the Royal Authority, during the continuance of His Majesty’s illness, in such manner and to such extent as the present circumstances and the urgent concerns of the nation appear to require, it is expedient that His Royal Highness the Prince of Wales, being resident within the realm, shall be empowered to exercise and administer the Royal authority, according to the laws and constitution of Great Britain, in the name and on the behalf of His Majesty, and under the style and title of Regent of the Kingdom; and to use, execute and perform, in the name, and on the behalf of His Majesty, all authorities, prerogatives, acts of government, and administration of the same, which belong to the King of this realm to use, execute, and perform, according to the laws thereof, subject to such limitations and exceptions as shall be provided.

“ Resolved, That the power so to be given to his Royal Highness the Prince of Wales, shall not extend to the granting of any rank or dignity of the peerage of the realm, to any person whatever, except to His Majesty’s Royal issue who shall have attained the full age of twenty-one years.

“ Resolved, That the said powers should not extend to the granting of any office whatever in reversion, or to the granting of any office, salary, or pension, for any other term than during His Majesty’s pleasure, except such offices as are by law required to be granted for life, or during good behaviour.

“ Resolved, That the said powers should not extend to the granting of any part of His Majesty’s real or personal estate, except so far as relates to the renewal of leases.

“ Resolved, That the care of His Majesty’s Royal person, during the continuance of His Majesty’s illness, should be committed to the Queen’s Most Excellent Majesty.

and that Her Majesty should have power to remove from, and to nominate and appoint such persons, as she shall think proper to the several offices in His Majesty's household, and to dispose, order, and manage all other matters and things relating to the care of His Majesty's Royal person during the time aforesaid: and that for the better enabling Her Majesty to discharge this important trust, it is also expedient that a Council should be appointed to advise and assist Her Majesty in the several matters aforesaid, and with power from time to time, as they may see cause, to examine upon oath the physicians and others attending His Majesty's person, touching the state of His Majesty's health, and all matters relative thereto.

“ Die Mercurii, 28 Januarii, 1789.

“ Resolved, That a Committee be appointed to attend His Royal Highness the Prince of Wales with the resolutions which have been agreed to by the Lords and Commons for the purpose of supplying the defect of the personal exercise of the Royal authority during His Majesty's illness, by empowering His Royal Highness to exercise such authority, in the name and on the behalf of His Majesty, subject to the limitations and restrictions which the circumstances of the case appear at present to require; and that the Committee do express the hope which the Lords Spiritual and Temporal, and Commons, entertain, that His Royal Highness, from His regard to the interests of His Majesty and the nation, will be ready to undertake the weighty and important trust proposed to be invested in His Royal Highness, as soon as an act of Parliament shall have been passed for carrying the said Resolutions into effect.

Die Jovis, 29 Januarii, 1789.

“ Ordered, That the Lord President of the Council and the Lord Privy Seal do attend His Royal Highness the Prince of Wales, with the several resolutions agreed to by both Houses of Parliament, for the purpose of supplying the defect of the personal exercise of the Royal authority during His Majesty's illness, on the part of this House.

“ Die Sabbati, 31 Januarii, 1789.

“ The Lord President reported, That he and the Lord Privy Seal had (according to order) waited on His Royal Highness the Prince of Wales, with the resolutions of

“ determine me to undertake the weighty and important trust proposed to me, in conformity to the resolution now communicated to me. I am sensible of the difficulties that must attend the execution of this trust, in the peculiar circumstances in which it is committed to my charge, of which, as I am acquainted with no former ample, my hopes of a successful administration can be founded on any past experience. But confiding the limitations on the exercise of the Royal authority that it is necessary for the present, have been approved by the two Houses only as a temporary measure, founded on a loyal hope, in which I ardently participate, that His Majesty's disorder may not be of long duration, and being in the mean while that I shall receive a zealous united support in the two Houses and in the nation portioned to the difficulty attending the discharge of the trust in this interval, I will entertain the pleasing hope that my faithful endeavours to preserve the interest of the King, His Crown and People, may be successful.

Ordered, That the said Resolutions, with the answer of His Royal Highness the Prince of Wales thereunto, be forthwith printed and published.

Lord Courtenay also reported the answer of Her Majesty to the joint address of the two Houses, which was afterwards read at the table:

“ Resolution and Address : read to by the Lords S

“ all other matters and things, relating to the care of His Majesty’s Royal person during the time aforesaid. And that, for the better enabling Her Majesty to discharge this important trust, it is also expedient that a Council should be appointed to advise and assist Her Majesty in the several matters aforesaid, and with power from time to time, as they may see cause, to examine upon oath the physicians and others attending His Majesty’s person, touching the state of His Majesty’s Health, and all matters relative thereto.

“ *Die Mercurii, 28 Januarii, 1789.*

“ Resolved, That the resolution agreed to by the Lords and Commons respecting the care of His Majesty’s Royal person, and the direction of His Majesty’s household, be laid before Her Majesty, with an humble address expressing the hope which the Lords Spiritual and Temporal, and Commons, entertain, that Her Majesty will be graciously pleased to undertake the important trust proposed to be invested in Her Majesty, as soon as an act of Parliament shall have been passed for carrying the said resolution into effect.

“ *Die Jovis, 29 Januarii, 1789.*

“ Ordered, That the Earl Waldegrave and the Earl of Ailesbury do attend Her Majesty with the resolution and address agreed to by both Houses of Parliament respecting the care of His Majesty’s Royal person, and the direction of His Majesty’s household, on the part of this House.

“ *Die Sabbati, 31 Januarii, 1789.*

“ The Earl Waldgrave reported, that he and the Earl of Ailesbury had (according to order) waited on Her Majesty with the resolution and address of both Houses of Parliament; and that Her Majesty was pleased to return the following answer:

“ My Lords, and Gentlemen,

“ My duty and gratitude to the King, and the sense I must ever entertain of my great obligations to this country, will certainly engage my most earnest attention to the anxious and momentous trust intended to be reposed in me by Parliament. It will be a great consolation to me to receive the aid of a Council, of which I shall stand so much in need in the discharge of a duty wherein the happiness of my future life is indeed deeply interested, but which a higher object, the happiness of a great, loyal, and affectionate people, renders still more important.”

guct or any man in his absence. Had the treatment, he experienced on the day to which he alluded, been harsh, he was almost ready to say less revengeful, he sure he should have recollected himself, and set the right before he had sat down. If he had used any expressions that appeared to be improper in the consideration of that House, he took that opportunity of declaring, that he was sorry for it. He begged to be understood, however, asserting, that he never would retract any expression he thought applicable to the public conduct of any who had broken his promise, and behaved in a manner becoming the necessary conduct of one gentleman to another.

Mr. Chancellor Pitt. Mr. Chancellor Pitt now rising, observed, that he considered it needless to take up much of the valuable time of the Committee, whilst he made mention of the resolution which induced him to come forward, and propose the motion, which had already been voted by the other House of Parliament. In consequence of what had been agreed to this and in the other House of Parliament, it was incumbent upon them to pursue the necessary means of supplying the temporary deficiency of the executive power; and they had agreed, that no right to exercise Royal authority existed in any person during the present calamitous suspension of the exercise of the Royal authority, and that no person could exercise such a right, but by the appointment of the two Houses. B

the power of obtaining the King's assent, and to bear down the idea of the political capacity of His Majesty; they would, however, find, that neither were inconsistent with the fundamental principle of the law, or contrary to common sense: for, if it had ever been agreed to, that natural incapacity in a Sovereign took from him his political capacity, there would long since have been an end to hereditary succession, which must have been frequently interrupted. The political capacity of the King was, in his opinion, clear; the great seal was the organ of the will of the King; by that instrument the will of the King was proclaimed. Even were the Lord Chancellor to use it with so much impropriety as to merit punishment, notwithstanding such an abuse of his power, the instrument which he affixed to it would be, and must be, considered as law, which nothing could shake but an act of Parliament. If the power of the Great Seal was, when improperly used, of such force, would any man say, that when used on the emergency of the moment, for the public safety, and under sanction of the united wisdom of the two Houses, it would either be disputed in the Courts of Justice, or that the officer so using it would be in the least censurable? It was evident, therefore, that there was a mode which might be adopted, which might run in the name of the King, Lords, and Commons. The only question then which could arise would be, whether the two Houses should take upon themselves, in their own name, the legislative act of appointing a Regent, an officer unknown to the law and constitution, or whether they should proceed in the measure proposed, of ratifying their act by the name of the King? The two Houses were bound to act up to the necessity of the case, and to do no more. They would do no more by complying with the requisition of their Lordships; they would adopt a form in their proceedings that could not be disputed by the Judges. It was fortunate for this country, that it had a constitution so formed, that it was nearly impossible that any circumstance could occur, which would destroy the Government of the country: in case of the throne being vacant, the two Houses of Parliament had power to act by themselves, and in their own name; the Throne, when vacant, caused the whole power to return to the People, by them again to be delegated by the two remaining branches of the Legislature, who were the legal organs through which the sentiments of the People could be collected. At the Revolution, the Parliament acted up to the true principles of the constitution, they acted on their own authority, in their own name, when the Throne was vacant: the right which at present devolved to the two Houses of Parliament was a different right; they were to provide for a suspension of the executive power

while the King was upon the Throne ; acting then upon the same principles which governed our ancestors at the Revolution, they ought to act without the personal attendance of His Majesty, but not without his name, and were, in his opinion, empowered to direct the use of the great seal. In such use of the great seal, there would not be, as was asserted, a fraud, or a fiction ; they would be but acting up to the principles of the constitution, and to the emergency of the case ; and in acting upon any great emergency, it was necessary and prudent, as far as possible, to abide by the forms of law and the constitution. The two Houses had provided for the return of His Majesty to his government ; they had provided for the dignity of their King during his indisposition ; they had agreed to appoint one to exercise for him, and in his name, the Royal authority ; but, they were to remember, that they were not about to appoint a King, but a person to act in behalf, and in the name of a King.

The other side of the House had gone upon the ground that there would be no grossness in the Prince continually putting the great seal in the King's name to different instruments, but there would be grossness and great impropriety in the Parliament doing so, and that they ought to proceed without the King's name. No man, he hoped, would argue in such a manner ; no such argument, he was convinced, could be supported ; it was plainly necessary, that the great seal ought to be applied to give law to the resolutions and opinions of the two Houses of Parliament. He could perceive but three possible ways for the executive power to be restored : the first was, on an opinion generally condemned, that there existed some person in the country, who could assume that power without the authority of Parliament ; the second was, that a person could take upon himself such power by a resolution or address of the House ; and the third was, by the mode proposed of passing an act for the purpose ; and of those different modes he conceived, his arguments would enable every man to judge which ought to be taken. If the great seal was admitted as a Royal act, where then could be the doubt of the propriety of appointing the person holding it, to use it for the purpose of giving the King's sanction to the measure of the two Houses : those who argued against procedure, must either argue in support of a right existing in some person to assume the royalty ; a right deprecated and condemned by the country, or they must agree to the country remaining in its present state ; for, no one could assume the Royal authority ; and the appointment rested with the two Houses, who were alone to direct the use of the great seal. Many acts had been quoted against the two Houses exercising the power proposed ; but, those acts were quo-

I from times, when Kings were on the Throne in full health, and were totally inapplicable to the present situation the Throne, when occupied by a Monarch, labouring under a temporary incapacity. The same principles, he conceived, which guided our ancestors at the Revolution, must be the guide of their conduct at present. Not thinking it necessary to trouble the Committee further, until he heard the objections to the mode proposed, he should move, That the Committee do agree with the Lords in this resolution."

Mr. *Dempster* desired the right honourable gentleman to inform him whether it would not be necessary and proper to *Dempster* move a second resolution, to which his objections were principally applicable. He thought it would be more convenient, more handsome, more firm, and more just.

Mr. Chancellor *Pitt* begged leave to return his acknowledgements to the honourable gentleman for having reminded him of what he had accidentally omitted to explain. His arguments undoubtedly applied to both commissions; and the object of the first, which he now proposed, were only to open the Parliament; the second would be to pass the bill of Regency, and in form would be similar to that signed in times of great authority by the Lord Chancellor Hardwicke.

Mr. *Dempster* considered this intended procedure as highly censurable, because, in his idea, it went a step beyond the necessity of the case, and thus became at once needless and unconstitutional. He considered it as an ungenerous and an unmanly attack upon the prerogatives of the Crown, when there was no person to defend them. The mode pointed out by justice, and the constitution, was surely an address to the Prince, to take upon himself the exercise of the Regal authority; they ought, therefore, as a necessity existed, to put the great seal to a commission, to appoint by such commission the Prince of Wales Regent, with the full powers of assent and dissent, and all the other prerogatives of the Crown. If they did not do this, there was, he said, nothing to hinder them from continuing the session, until the recovery of the King; for, commission after commission might be issued in the King's name. The Prince of Wales, Mr. *Dempster* contended, ought to have been the sole Regent.

The *Master of the Rolls* proposed, if any amendment was intended, that they might move, that if His Royal Highness *Master of the Rolls* was appointed to the exercise of the whole Royal authority, the measure would prove tantamount to the act of dethroning the Sovereign.

Mr.

Mr. Dempster answered, that he meant no more than to appoint the Prince, with the power of assent and dissent, to open the Parliament, instead of its being opened by the commissioners proposed.

The Mas. The *Master of the Rolls* contended, that such a matter of the would exceed the necessity of the case, and therefore Roll. improper, as it would be at once putting the power in their own hands, and rendering it possible that no bill be agreed to, but what might contain powers exceeding necessity of the case.

Ld. North Lord North having remarked, that, in his opinion, that of the honourable gentleman behind him, was more legal and constitutional, than that of the honourable gentleman in the way, added, that although not acquainted with he had some knowledge of the general principles of the constitution. If the powers of assent and dissent were not to be the representative of the King, no act could be considered as an act of the three branches of the Legislature, but as an act of the two Houses. The mode proposed he deprecated. He did not, he said, quarrel with the gentlemen, if they the form of the constitution for its substance; as giving great seal, instead of the fundamental principles of the constitution. Notwithstanding the doctrine of no man has a right to aver against a record; he would however have a right to dispute this being a record. Lord North spoil the answer of the Prince, in terms of warm eulogy, which answer he considered, that the right honourable gentleman carried his jealousy too far, by taking measures, he imagined that the Prince of Wales would break his word. The answer of the Prince must diffuse general satisfaction and create an agreeable surprise through the country, to do away those false alarms which had been industriously circulated, of a right having been asserted in the Prince, to some the Sovereign authority, independently of the Houses of Parliament: he was sure, that the country would be convinced of that right having never been asserted, than who had sent up addresses for the refutation of that right from the burghs of Edinburgh and Glasgow, and from western towns and counties of England, would rejoice in seeing the Prince's answer, which fully refuted the false notion of such a right having ever been advanced. And, at all, could not the three branches, in a choice of irregularities, avoid the present circuitous mode, and take the direct and obvious path, of declaring the Prince of Wales the Regent.

Ld. John Townshend observed, that he felt himself at a loss to discover what was meant by the King's political capacity remaining entire, which was so constantly ass

He wished to ask one question: was there a dissolution of the government or not? He should be answered, there was not; that the courts of law were kept going on, that private property was protected, and all legal business executed as usual. If then there was no dissolution of government, what pretence was there for the people to interfere? They having delegated their authority, they had no right to interfere; it followed of course, that the government was dissolved, or that they had no right whatever to interfere. He reprobated the mode proposed, as forming a maimed and crippled government, and quoted the acts of the 33d of Henry the Eighth, and the 1st of Philip and Mary, to prove the illegality of any commission without the King's signature. The plan formerly proposed, by that side of the House, of addressing the Prince of Wales to take upon himself the exercise of the Sovereign authority, would have at once answered every political purpose, prevented all fraud, all fiction, and met the ardent wishes of the People.

Mr. Elliot remarked, that if gentlemen adverted to the ^{Mr. Elliot:} bills of Regency which last passed, they would have found, that in those bills the powers of the Crown were not all vested in the representatives of the Crown. By those bills, not only the representatives of the Crown were restrained from generally exercising the prerogatives of the Crown, but the Legislature itself was in a similar degree restrained from exercising its own undoubted rights and privileges. Mr. Elliot explained himself to allude to three specific bills, which the Regency bills in question restrained the representatives of the Crown in particular, and the Legislature in general, from either assenting to on the one hand, or discussing and debating on the other. He adverted also to the undoubted right of the prerogative of the Crown, to give its dissent to all bills passed by the two Houses, and argued from this admitted fact, that the suspension of that constitutional power must be attributed to the inevitable necessity of the case.

The Attorney General having remarked, that the honourable gentleman who spoke last, had, with a degree of diffidence, which always accompanied extraordinary good sense, given in a few words, what he considered to be an unanswerable argument, added, that the noble Lord who spoke last but one, while he affected a perfect ignorance of what was meant by the political capacity of the Crown remaining ^{The Attorney General.} ~~alive~~, had given the very best definition of that political capacity, which any man had as yet attempted. The noble Lord had said, the courts of law went on, private property was protected, and justice administered regularly. That was the precise distinction between the present case, and the

case at the Revolution. At that time all the functions of government were stopped. There was not a magistrate, from the Lord Chief Justice, down to the meanest constable, who had any authority whatsoever; the whole machine of government was impeded, checked, and obliged to stop. At present the case, he thanked Heaven, was far different; all the functions of constitutional capacity, excepting only the few instances in which the personal exercise of the Royal authority was necessary, were in action the same as before. The noble Lord had asked if there was not a dissolution of the government, what occasion there was for an interference of the People? If the noble Lord would take the trouble of adverting to the real state of the country, he would find that there was occasion to resort to the representatives of the People, the true source of power, in order to provide for the present emergency, and that, in all cases of difficulty, this doctrine had been uniformly laid down, and its beneficial effects stated. Having replied to the material part of Lord John Townshend's speech, the Attorney General observed, that the honourable gentleman under the gallery had described the present situation of the two Houses, with peculiar force, and peculiar propriety. He had stated, that the necessity of supplying the defect in the exercise of the Royal authority devolved on the two Houses. It undoubtedly did so devolve, and it was their duty to proceed regularly, and constitutionally to appoint a Regent, delegating into his hands such of the Regal powers, as in their Lordships apprehension should seem meet, and necessary for the carrying on of a good government. With regard to a Regent, which they were advised, in the first instance, to chuse, let those gentlemen who contended for such an appointment, shew him where such a creature, as the law stood, was to be met with? Where was it to be found, but in the body of an act of Parliament? They who had said they might supply the deficiency by addressing the Prince of Wales, could not seriously mean what they advanced. Unless in the cases of extinction of all the branches of a Royal Family, or, what was the same thing, the extinction of the family's claim, by forfeiture, as in the case of King James, there was no mode of filling the Throne, but that proposed. The only way was, for the two Houses to seal a commission, appointing Commissioners to open the Parliament. If they did not assent, and if they gave their voice in the affirmative, to supply a dissent, how did they do their duty in respect to the object proposed? The noble Lord had said, suppose the Regent should give a dissent, but that it was not likely, because that he had given his word, and would not depart from it. He never, upon great public questions, Sir Archibald Campbell said, founded his opinion on person

personal confidence. He had expressly laid in his claim, ~~only~~ in the debate on the subject, to consider it as the case of a Prince of Wales, and not as the case of the Prince of Wales. He disclaimed, therefore, all idea of personality, and would proceed to speak of the bill upon its own grounds: ' If the bill were enrolled, they were bound by it. ' The Attorney General proceeded to argue upon commissions, which were enrolled, and those which were not; the commissions in Henry the Seventh's time, were enrolled; in Henry the Eighth's, but few were enrolled. In the reign of James the First, the practice ceased. The Attorney General contended, that the signature of Henry the Eighth, to the act attainting the Duke of Norfolk, was a forgery. He asked if there could be a grosser fiction, than that of a child being seated in Parliament, the Chancellor bowing to him gravely, he returning the same bow, and the Chancellor saying it was the King's pleasure, that they should proceed so and so. The noble Lord, he added, had spoken of the conduct of the inhabitants of Glasgow, with some derision; but, surely, in too severe a manner.

Lord North.

Lord North answered, that, far from having mentioned the proceedings of the meetings at Edinburgh and Glasgow in a contemptuous light, he conceived that they supposed the propositions moved and voted in that House, had done them a great deal of service. And surely, great beyond expression must prove the pleasures which the people would derive from the transactions which were going on! There would be no end of their pleasures, until the precedent they had set this day had gone into a principle that might overturn the constitution! He repeated, that the representative of the third Estate, ought to be enabled to give the Royal assent or dissent to the bill appointing the Regent, and that without it, he was no true representative of the Crown.

Mr. Chancellor Pitt observed, that to remain silent, upon the present occasion, would prove a censurable neglect to use Chancery's efforts to prevent the impression which the noble Lord for Pitt, had endeavoured to fix on that House, and on the country, by the use which he had made of the answer of His Royal Highness the Prince of Wales, to the address of the two Houses. The noble Lord thought proper to observe, that His Royal Highness had answered very graciously, and that there had been a general alarm spread throughout the country, lest the question of right should be supported. He must beg leave to question the truth of that proposition, and to appeal to the House, when that question was in agitation, whether any person voted in favour of that right. The right had not been claimed by the Prince of Wales, but had been asserted by others. That no person had been bold enough to have

given His Royal Highness the advice to assert such a right after the solemn decision of the two Houses of Parliament was by no means a matter of surprise, and, if any man were to be found so bold, it was not likely that a Prince of the House of Brunswick would have taken such advice. His Royal Highness's acceptance of the Regency, would be a matter of joy to the People he could admit, but not that would prove a matter of surprise. They would not, however, be ready or willing to cast a censure upon Parliament for reprobating unconstitutional principles, holden and stably those, who now lamented their having ever asserted them and who were afraid and ashamed to avow, and even less willing to retract; principles, he trusted, would not, in any future occasion whatsoever, be suffered for a moment to prevail detrimentally against the constitution, either in the House, or amidst the community at large.

Mr.
Burke.

Mr. Burke observed, that the remark that any point had been retracted, was absolutely groundless. He said, that he looked the right honourable gentleman full in the face, if he was in error, was perfectly willing to retract it. The right honourable gentleman had chosen, with great judgment, to attack a gentleman when absent. The style of spirit was of a tenor with that of his politics, and he always attacked an enemy in a state of incapacity. The right honourable gentleman had the opportunity of attacking the right honourable friend (Mr. Fox) when he was absent sick; he had, with the same judgement, attacked the prerogatives of the Crown. His sentiments, he said, never should be expressed in the equivocal, insidious, and unbecoming language of the right honourable gentleman's resolution. Mr. Burke proceeded to assert the right of the Prince of Wales, declaring that his right was as clear as the sun, that it was the duty of the House to appoint him Regent with the full powers of Sovereignty; His Royal Highness had a right in law, in justice, and in equity. After enforcing the Prince's right, he reprehended the address of the merchants of Lancaster to the right honourable gentleman, condemning them for asserting that the resolutions were consistent with the constitution of the empire, which, he declared, was the most impudent audacity, dictating to the king of Ireland, that they ought to appoint for their Viceroy, the other great offices, the ministerial tools of the right honourable gentleman. He stated the great mischiefs which might be apprehended with respect to Ireland, in consequence of the Prince's right having been denied, and of that address by the House, declaring that they tended to militate against the unity of the empire, and that if Ireland chose to nominate the Lord Mayor of Dublin Regent, or to appoint a number

of Regents, we had not the power to prevent the measure. After reprobating the resolutions, the mode of proceeding, and the delay, he observed, that the plan now proposed was to adopt what deserved a worse name than a phantom—they were going to create Milton's monster of Sin and Death, Death to the constitution, and Sin to the feelings of the country, to those who were concerned in the measures carried on, who were creating innumerable barking monsters, howling at, and endeavouring to destroy every principle of the Constitution. They were going to steal the great seal, to commit a forgery and fraud, to support violence, and to carry them on to their climax of villainy. If the House wished to preserve unity in the empire, they ought to appoint a person to represent the King who was interested in the empire; they ought to trust, upon his word, the Prince of Wales, whom hereafter they must trust without; and thus, they would save their country, and none would suffer but ambitious men. Mr. Burke urged the argument of delay, and said that the Convention Parliament, in the year 1688, sat on the 26th of December, and on the 12th of January they had completed all their objects, finishing the whole in fifteen days.

[While Mr. Burke was upon his legs, having alluded in some measure to Mr. Dundas, that gentleman rose, and a short altercation ensued, Mr. Dundas denied that he had, either by gesture or otherwise, warranted the right honourable gentleman in calling upon him.]

Mr. Burke admitted that the right honourable and learned gentleman had not, and resumed the thread of his argument. He touched upon the object of all the propositions, and reprobated the matter which was rendered the subject of the preposition immediately before the House. He contended that the House had no right to authorize the Lord Chancellor to put the great seal to forgery, fraud, and violence, and that giving them the form of the Royal authority, instead of the substance, was to give them the sweepings of the cobwebs in Westminster Hall, and the smoke of the dish; and the danger which had been talked of, if they were to address the Prince of Wales to take the Regency upon him, reminded him of the giant who used to swallow a dozen windmills for breakfast every morning, and was afterwards choaked by a small bit of butter in July. In the present instance, the commission was said to be, in form, an act of the Crown, and in substance an act of the two Houses. There never was a precedent in this country, where the two Houses took upon themselves to exercise the legislative authority of the Crown. Necessity, he observed, had been generally termed the *tyrant's plea; but, strange to tell, it was now considered as the*

guardian of our liberties. Mr. Burke insisted that the Committee ought, in the present instance, to act liberally and fairly, and to trust the Prince upon his word, solemnly given in his answer to the addresses of both Houses, since hereafter they must trust him without professions. A confidence of this nature would give them union; would give them liberty; would give them peace.

Mr. Rolle. Mr. *Rolle* observed, that he felt it incumbent upon him, and he entered cheerfully upon the determination, to rescue the meetings in the west of England from the censure which appeared to him indirectly to have been cast upon them, by the noble Lord in the blue ribband. The meeting in the county of Devon, Mr. Rolle said, had resolved to return thanks to his right honourable friend for having asserted the right of the two Houses of Parliament to provide for the exercise of the Royal authority, during the incapacity of His Majesty, and brought that question to a decision, in contradiction to the right asserted by a right honourable gentleman, not then present, to exist in His Royal Highness the Prince of Wales to assume the exercise of that authority, whilst His Majesty's illness continued. The question of the right of the two Houses to provide for supplying the defect in the exercise of the Royal authority, had not, Mr. Rolle contended, been, as it was affirmed, unnecessarily brought forward, or upon light grounds. The assertion of the right of the Prince of Wales to assume the exercise of the Royal authority during his father's incapacity, had not, indeed, been made a matter of regular claim, avowed on the part of His Royal Highness, but it had been urged by a Member of that House, who, from his extraordinary eloquence, his great abilities, his weight and authority in the country, owing to the recollection of the high offices he had filled in the State, certainly drew great attention on every thing which fell from him, and enabled whatever he said, especially respecting his Royal Highness the Prince of Wales, in whose confidence he was supposed to stand high, to make a considerable degree of impression on the minds of all who heard him. Mr. Rolle added, that it gave him, and, he doubted not, it would give his constituents, great pleasure to hear, that His Royal Highness the Prince of Wales had declared his willingness to accept the Regency on the terms proposed, and to submit to the limitations and restrictions voted by the two Houses. There had occurred one circumstance, however, since the signification of His Royal Highness's answer had been given, which he was sorry for, and which, he feared, would cause uneasiness in the country; and that was, a certain secession which had taken place. He meant the circumstance of the Prince of Wales and the other Royal Dukes having ^{that} desired

that their names might be omitted in the present commission. An honourable gentleman, a worthy Alderman of London, Mr. Rolle observed, asserted at a late Court of Common Council, that he had taken the address lately voted by the county of Devon, ready drawn, from the Treasury down to Devonshire. He knew not whether the honourable Alderman (Mr. Sawbridge) was then in the House, but he took that opportunity of declaring, that, so far from the alledged circumstance being founded in fact, that he never saw the address till he went down to Devonshire; that it was there drawn up by a previous Committee, of which his worthy colleague and himself were Members; that it was drawn up openly and publicly, when one hundred or a hundred and fifty persons were present; and that as the Quarter Sessions was holden at the time when the general meeting was summoned by the High Sheriff, the attendance of gentlemen, freeholders, clergy, &c. was as numerous a one as perhaps ever was assembled, and the address of thanks to his right honourable friend for his conduct was voted by almost the unanimous voices of the meeting, a very few of the persons present signifying any thing like disapprobation.

Lord North answered, that he had not uttered a syllable which tended to convey the least reflection on the people of Glasgow and Edinburgh, and the west of England, for the conduct they had adopted in voting addresses of thanks to the Minister. When the people of Glasgow, of Edinburgh, and of Devonshire, had felt themselves called upon to vote their thanks to the Minister, for having asserted the right of the two Houses of Parliament to provide for the deficiency in the exercise of the Royal authority, it was natural to suppose that they had imagined that this right had been disputed. He, therefore, was surely warranted in saying, that His Royal Highness's answer to the address of the two Houses would agreeably surprize them, by proving that His Royal Highness paid so much deference to the resolutions and opinions of the two Houses, that he professed himself ready to accept the Regency on any terms that the two Houses should think proper to grant it. Thinking that the people had felt the alarm, perhaps too much, he conceived that their minds would now be quieted, but he had not an idea that they could feel any alarm from the secession of the Princes of the Blood, and from their having desired to take no share in a proceeding which they disapproved of.

Sir James Johnstone, speaking of popery, and the abjuration of the power and authority of the Court of Rome, said, Johnstone that if he found any thing objectionable in the wording of the commission then before the Committee, it was, that it was not strong enough. It stated, that the Lord Chancellor

Lord
North.

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be directed to put the great seal to the commission resolved upon. Sir James thought that the Lord Chancellor ought to be commanded to put the great seal to such a commission. The occasion justified the exertion of authority, and the Lord Chancellor dared not refuse the command of the two Houses of Parliament.

Mr. Sheridan.

Mr. Sheridan observed, that he rose merely in consequence of what had fallen from an honourable gentleman over the way, (Mr. Rolle) Mr. Sheridan denied that his right honourable friend, who was not then present, had ever asserted the Prince of Wales's right to assume the exercise of the Royal authority, without the adjudication of the two Houses of Parliament. The question of right was, therefore, unnecessarily agitated, because the doctrine of the Houses having a right to provide for the defect in the exercise of the Royal authority, had never been denied. With regard to his right honourable friend standing high in the confidence of the Prince of Wales, the fact undoubtedly was, that his right honourable friend stood higher in the opinion of His Royal Highness than any other person, and the reason was, that His Royal Highness reposed the greatest confidence where he found the greatest merits. Of the secession to which the honourable gentleman had alluded, the reason was obvious. It was extraordinary, that the Minister should have been with the Prince of Wales the day before the commission had been proposed in the other House of Parliament, and that he should not have consulted His Royal Highness, whether it was agreeable to him, or to his Royal Brother, and Royal uncles, to admit the respective insertion of their names in a commission, issued on principles repugnant to those contained in a protest, which the Duke of York had subscribed and recognized. As to the base coinage which was intended to be issued in the name of Royalty, without its bearing one feature of the Royal countenance, Mr. Sheridan said, that after the able arguments which had been urged, and particularly the speech of his right honourable friend (Mr. Burke) to which it was enough barely to allude, he would not pay remarks of such expressive force to ill a compliment, as to trouble the Committee with an attempt to give them, what they did not want, additional validity, by a continuance of reasoning upon the subject.

Mr. Powys.

Mr. Powys rose to ask a question relative to the words under which the Duke of Gloucester, in the early part of the reign of Henry VI., and the Duke of York, in the subsequent part of the same reign, exercised the power of giving the Royal assent or dissent to any bill or bills which were submitted to them for the Royal assent?

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Mr. Chancellor *Pitt*, adverting also to the two commissions, to which Lord Hardwicke had put the seal in 1754, Chancellor admitted that, although the commission stated in the resolution contained words of general power, enabling the Commissioners to do all that our Sovereign Lord the King could effect, yet, that it was necessary that there should be a second commission issued to complete the business.

Mr. Powys observed; that the Committee had a great number of precedents submitted to them, on which, in the early stage of the business, much reliance had been placed; but, they had all been abandoned, and two new precedents, not stated in the Report of the Committee appointed to search the journals, were resorted to, and chiefly relied upon. To those two precedents of the two different commissions, to which Lord Hardwicke had put the great seal, he should say nothing; because, in the case of both, there had been a King upon the throne, incapable, from illness, indeed, of meeting his Parliament, but capable of judging and deciding upon every proceeding of Government necessary to be taken. Mr. Powys enlarged on the distinction between general powers so given by an actual, existing, competent authority, and general powers given by an imaginary, fictitious, and unreal phantom. To open a Parliament, there must exist a person capable of authorizing the act, either the King himself, or the King's representative. In the present case, there would be neither.

The *Solicitor General* begged leave to explain to the Committee why he advised them to order the commission, now moved for, to be issued under the great seal; and why it would be right afterwards to put the great seal to another commission, in order to give the Royal assent to the bill appointing a Regent. He was glad that it had not been said in that House, that such a mode of proceeding was not legal. No man had ventured to make such a declaration; nor could any man have dared to have done it, who knew the law and the constitution of the country. When he had troubled the House, when the resolution that it was their right to determine on the means to provide for the deficiency of the exercise of the Royal authority had been under consideration, the Committee would recollect that he had stated, that a Regent could not be appointed but by an act of Parliament, and, in order to pass that act, there must necessarily be a commission issued under the great seal to open the Parliament, and a subsequent commission to give the Royal assent to such a bill as should be passed by the two Houses. That was the legal mode of proceeding; the other, that of addressing the Prince to take upon him the Regency, a term unknown in law, was clearly illegal. If they addressed the Prince to take upon him

him the Regency, he could not be Regent, but by some such fiction as that now proposed to be resorted to. It was his duty, the Solicitor General said, as a professional man, to satisfy the House that the mode of proceeding recommended to them was legal. It was a point on which they ought to be satisfied. In the course of the debate on the resolution then before the House, he observed, that the statutes referred to, as bearing upon the question, were the 33d of Henry the Eighth, the act of Charles the Second, and the act of the first of Queen Mary; each of which pointed two ways; but, if it was contended that those were negative statutes, and that they were to regard them in that point of construction, he begged leave to ask how they were to appoint a Regent at all? He denied it to be possible, because the consent of the Crown must be obtained to the act; and it was well known to them all, that His Majesty could not attend in Parliament to signify his consent in person, neither could he put his sign manual to a commission. The only mode of obtaining the King's consent, was by putting the great seal to the commission for passing it, and making it a public act. If it was so authorized, that rendered it a public act; and if, upon the face of it, it expressed that it passed by the consent of the King, Lords, and Commons, the judges of the land could not dispute it. The great seal, once put to it, gave it all the authority of law, and no inquiry could be instituted as to the mode of its having been passed. If letters patent passed, without the King's warrant having been previously granted to direct such letters patent to be made out and sealed, yet, having the great seal annexed to them, however criminal it might be in the person who should, under such circumstances, take upon himself to put the great seal to those letters patent, they would prove of full force, and bind the King himself, although it might be known that His Majesty had not granted his warrant for making out such letters patent.

Sir John remarked, that they were then discussing no question of politics, no question of party; they were all agreed as to the object; their sole object was to make the Prince of Wales Regent, on the terms of the resolutions. The only difference of opinion was, which were the most safe, the most legal, and the most constitutional means of attaining their common object. He must contend, that the mode proposed in the resolution voted by the House of Lords, and to which they were called upon to agree, was, in his opinion, the only legal mode in their option. If there was any other way, let gentlemen, in fairness and in candour, mention it. Those who recommended the other mode of addressing the Prince to accept the Regency, perhaps, were not aware that the Prince

Prince must, in that case, take upon himself to represent the King in the House of Lords, or if it were to give his consent to the Regency bill, he must consent to appoint himself Regent: a kind of conduct, which could not but draw down questions of his authority, and expose him to future difficulty. Different were the degrees of weight and function, which must necessarily attend the Prince's appointment, when that appointment had the authority of a formal act of Parliament, passed avowedly with the consent of King, Lords, and Commons, the three natural and constitutional branches of the Legislature. Contempt and ridicule had been lavishly cast upon the mode proposed, because it was deemed a legal fiction. There were many wholesome fictions of the law; the best security, even of the private rights of the subject, arose from some of those fictions of the law. The present might be called a wholesome fiction, inasmuch as it saved the constitution from danger, and proved, that so admirably constructed was that constitution, that it contained in itself a provision for cases of the greatest emergency. But, it was said, that the mode proposed went beyond the necessity of the case. He had, on a former debate, taken the liberty of laying it down as a maxim, that the power which necessity creates, necessity limits. He should adhere to that position, and, in adhering to it, contend, that the proposed mode of ordering a commission under the great seal, and afterwards another commission to give the King's assent to the bill, did not exceed the necessity of the case, but that the proposition of addressing the Prince, to take upon himself the Regency, did go far beyond it. When the House contended, that it was their right and duty to provide for supplying the defect of the Royal authority, they clearly meant to empower themselves to order the commission under the great seal, now proposed, to be issued. He declared, that it appeared to him ridiculous, to exclude the Prince from his situation as a Peer, in the House of Lords, in order to make him act as a King. He desired not to be understood, as abandoning the precedents on their table. He relied on the precedent in the early part of the reign of Henry the Sixth. In that reign, there were as great lawyers as lived in this day, or as would live, probably, in the time to come; there were, also, in that reign, some of that description of persons, who might, properly speaking, be termed usurpers, but, both descriptions, the latter as well as the former, he well knew, in all things wished to have the sanction of law, for every one of their proceedings. It had been his duty, as it necessarily was the duty of those, who were from their situations called upon for their advice, concerning the proper *and legal steps to be taken in such an emergency, to inform*

themselves fully of all the precedents which history afforded. He had not, he was free to acknowledge, with all his application to the subject, been able to satisfy himself what had been the actual fact, with regard to the commissions issued under the great seal, in the early part of the reign of Henry the Sixth; but, of this he was certain, that many of them neither had, nor could have, the King's sign manual affixed to them; and yet, some of the soundest and most salutary acts on our Statute Book had passed during that period. He could not but observe, that those persons who were willing to give away the rights of the King without scruple, and to invest the Prince with all the Royal authority, in the lifetime, and during the reign of his father, seemed to think only of the case of infancy. When he talked of the allegiance which he owed to his Sovereign, it had been ridiculed under the idea, that it was idle to boast of allegiance to him, who was incapable of affording protection. To those who pleased themselves with that species of reasoning, he would ask, if the intended Regent was to leave a child, an infant of six months, how would he like such a doctrine to be then insisted upon? The present commission expressed, that it was made by consent of both Houses of Parliament; therefore, upon the face of it, it stated the case to which he referred. As the bill was merely to constitute a Regent, it was quite a matter of indifference, whether it was passed by one person or another, so long as it passed in the name of the King upon the Throne. Sir John adverted to the precedents in the reign of George the Second, when Lord Hardwicke had, in the year 1754, put the great seal to two commissions, one containing general powers granted to certain Commissioners, to hold a Parliament, the other to give the Royal assent to the single bill which had passed in that Parliament; a bill of naturalization. He compared these two commissions with the commission then under consideration, and that which it would be necessary to issue when the bill should have passed the two Houses, and be ready for the Regal assent. Lord Hardwicke, he said, appeared to him to have entertained doubts, whether the general powers conveyed by the first commission, were sufficient to authorise those Commissioners to give the Royal assent to the bill which afterwards passed; and he collected, that Lord Hardwicke had entertained such doubts, from the circumstances of his having issued a second commission. But, Lord Hardwicke had chosen to reserve those doubts, and not to decide upon them, by the terms in which the two commissions were drawn, and their effect on each other, care having been taken by the noble Lord, to insert a clause in the second commission, purporting that the one should not affect the other.

ohn concluded with declaring, that he had endeavoured till as he could, to explain to the honourable gentleman (Powys) the ground on which the motion rested; and he left the idea of the validity of that explanation, to the decided judgement of the honourable gentleman.

Mr. Wyndham observed, that he should not have risen to one single syllable, during the course of the present debate, but for what had fallen from the right honourable learned gentleman who spoke last. As the argument stood, they knew not on what grounds the authors of the proceedings rested them. On one hand, it was said, they were acting from necessity, upon another, that were acting upon law. It was, he conceived, impossible both positions could be true. The right honourable and learned gentleman, in his opening, had clearly stated that the necessity of the case obliged them to have recourse to irregularities, and he had heard the same doctrine, Mr. Wyndham stated elsewhere, and yet the right honourable and learned gentleman who spoke last had declared, that there was no such necessity, but, that the proceeding proposed was fully legal, and that to address His Royal Highness to take him the Regency, was clearly illegal. Amidst these diverging opinions, gentlemen might surely doubt the necessity rested on the one hand, and the legality of the proceeding on the other. That wonder-working machine, the royal capacity of the Sovereign, was the grand spring of the arguments, on which the gentlemen of a certain party relied. Mr. Wyndham explained what he conceived was meant by that expression, in terms stripped of the technical obscurity, in which the expression was involved, and ended that the Royal prerogatives were attached, not only to the life of the Sovereign, but to the King's political authority. He rejected the idea of the act they were about to take being legal, and said, that when from necessity they were obliged to have recourse to an irresponsible act, he conceived it to be much more safe that it should stand on its own ground, distinguished as an irregular proceeding, justified only by necessity. They would then know what it was, and posterity would know on what its merits rested. An honourable and learned gentleman, who had entered early in the debate, remarked, that the argument in the motion amounted in fact to an assertion, that the King had the power to make the law maker, but not the law whereby he was to be made. That was the very distinction, which, in his mind, applied to the present instance. He reasoned upon the distinction, and put the case of a patron having a right to present to a living. The patron did not fill the living himself, and, if he was correctly informed,

Mr.
Wyndham.

formed, a clergyman who had an advowson in his own gift, could not appoint himself to it, but by a special process. After urging this, to prove that declaring that the act was an act of the King, when there was no King, and they all knew there could be none, was a counterfeit and a delusion; Mr. Wyndham closed his remarks by affirming, that he never gave a vote with more heartfelt conviction against a motion, than upon the present occasion.

The Master of the Rolls. The *Master of the Rolls* desired the House to bear in recollection, that no amendment had been proposed. Gentlemen would do well, therefore, to consider the question before the House.

It was whether there should be a commission issued under the great seal, to open the Parliament. It was universally admitted, that there ought; the only question was, who should issue that commission. No person, therefore, had stated any means of providing for the opening of Parliament, except his right honourable friend, and the Committee, having no other proposition before them, were bound to decide upon that. All the arguments advanced against the present resolution, went against the resolutions already voted. The Committee, therefore, after having voted those resolutions, which the House had agreed to, and which His Royal Highness the Prince of Wales had also agreed to, would not surely now undo all that was done, and by a side-wind contradict those resolutions, which, upon full deliberation, and after long debate, they had voted. Amidst a reiterated cry of "Question, question!"

Mr. Dempster. Mr. *Dempster* observed, that if ever there was a subject on which gentlemen ought patiently to listen to the arguments of each other, it was that on which they were debating; because it was no question of politics, but a question concerning the mode of appointing His Royal Highness the Prince of Wales Regent: a situation in which they had all agreed to place him, as the most proper person to fill that high office, and they only differed as to the best means of making His Royal Highness Regent, with least injury to the constitution. Mr. *Dempster* renewed his argument in favour of resorting to one expedient, instead of pursuing the circuitous mode of proceeding recommended by the right honourable Mr. Chancellor Pitt. Although the House might be prevailed on to support the right honourable gentleman's proposition, that night, Mr. *Dempster* said, he trusted that the right honourable gentleman, when he began coolly to reflect on the possible ill consequence of establishing such a precedent, would feel the propriety of adverting to the simple mode of addressing the Prince of Wales, and requesting His Royal Highness to take upon himself the Regency, with all the powers of the Royal prerogative.

Mr.

Mr. Chancellor Pitt answered, that although every point which was advanced by the honourable gentleman who spoke Chancery last, carried with it great weight, and was well worthy of Mr. Pitt. the highest attention, yet, no remark which he had heard from the honourable gentleman in the debate, would induce him to alter his sentiments. He had not formed his opinion lightly, nor without very mature consideration, and so far from changing his ground, and reverting to the address to the Prince of Wales to take on himself the Regency, when they came to report the resolution, as hinted by the honourable gentleman, he should, if the Committee voted the resolution, move that the report be brought up that night, in order that they might carry it up to the Lords on the ensuing day.

The question was at length put, and the resolution was agreed to without a division.

The House was then resumed, and the report ordered to be brought up. It was brought up accordingly, read a first and second time, and agreed to. A motion was then made and carried, that a conference be required with the Lords, on the subject of their former conference, and that Dudley Ryder, Esq. do request the same.

Mr. Chancellor Pitt now moved the question of adjournment; but,

The Speaker begged before he put the question, that The House would favour him with their attention, respecting a matter which referred to the situation in which the House had done him the honour to place him. At the beginning of a Parliament, he said, it was usual for every Speaker to be presented to the King, to make his excuses, to receive the Royal approbation, and to claim the rights and privileges of the House, as to freedom of debate, &c. and lastly, to beg the indulgence of the King, as to any thing which the Speaker might have occasion to say on behalf of the House of Commons. When a new Speaker was chosen in the middle of a Parliament, though he was introduced to make his excuses, and receive the Royal approbation, he did not advance the claim of the rights and privileges of the House, but barely begged indulgence for what he himself might have occasion to declare. The present circumstances appeared to him not strictly to warrant either of these modes of proceeding, and therefore unless he should receive the express commands of the House what conduct to pursue, he should govern himself entirely by the precedents of the Restoration, and the Revolution.

Mr. Chancellor Pitt observed, that it seemed to be the general sense of the House, that the Speaker should govern himself by those precedents, to which he had referred.

Mr. Pitt.
Mr.

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Mr. Burke Mr. Burke contended, that every step which they took was accompanied by fresh difficulty. They had just set up a phantom to represent the great seal, and now their Speaker was to bow before it, and to claim their rights and privileges from a creature of their own creation. After abandoning the precedent of the Revolution, in addressing the Prince of Orange to take the crown, they were going to resort to the precedent of the Revolution in another instance. If it were fit to be adopted in the one case, he wished to know why it had not been thought fit to be followed in the other? They had set up a fiction for the great seal; and thus having invaded the constitution, the next step they took was to disgrace the House of Commons.

Mr. Chancellor Pitt begged leave to remind the right honourable gentleman, that the death of the late Speaker having added to the difficulties under which they laboured, the House had thought proper to act upon the necessity of the case, and chuse a new Speaker, without waiting for the Royal pleasure to be signified on that point. With regard to the right honourable gentleman's question, why it had been fit to adopt the precedent of the Revolution in one case, and to abandon it in the other? the reason was obvious; in the one case, the precedent of the Revolution applied, and in the other it did not apply. The Convention Parliament had agreed to address the Prince of Orange to become King? Why? Because, in that case, the throne was vacant. They could not now address the Prince of Wales to take upon him the Regency, because the law knew no such thing as a Regent, and because the throne was full, the King still living, and having a right to retain his crown as long as he existed. The business which they had to execute, therefore, was to appoint a person to exercise a portion of the Royal authority during His Majesty's incapacity, and that appointment could only be made by act of Parliament.

Colonel North. Colonel North remarked that, doubtless, it was repugnant to his feelings and his wishes, that the Speaker should present himself to the Commissioners in the commission ordered to be issued, because he could not consent that he should humble himself before persons of their own rank and station; but, if the Parliament were to have been opened by a person representing His Majesty, he should have thought differently.

The Speaker. The Speaker observed, that he feared that he had not made himself clearly understood by the honourable gentleman; and then he explained the three things which it had been customary for a new Speaker to do at the beginning of Parliament, and the two of them which it was usual for a Speaker to do, if chosen in the middle of a Parliament.

Mr.

Mr. Chancellor *Pitt* having premised that he understood Mr. Chancellor Pitt that he understood that it was the intention of the Speaker to conform to the precedent of the Revolution, added, that at that time the Convention Parliament had chosen a Speaker, and when King William was afterwards seated on the Throne, that Speaker was not presented to the King. That was the precedent which, he conceived, the present Speaker would follow; and that, consequently, he would neither be presented to the Commissioners, nor claim the right and privileges of the House, which had been already claimed of His Majesty, nor ask for indulgence in favour of whatsoever he might have occasion to state in Parliament.

Mr. Anstruther having desired to know what measure was next to follow?

Mr. Chancellor *Pitt* answered, that he hoped the two Houses would meet early this day, that they might carry up the resolution to the conference soon, and having the commission ready sealed, might open the Parliament forthwith, and as soon as they had done so, and were returned to that House, he should immediately move for the resolutions which they had voted, to be read, and then move for leave to bring in a bill for appointing a Regent, founded on those resolutions.

The question of adjournment was at length put, and the House rose.



THE
HISTORY
OF THE
PROCEEDINGS AND DEBATES
OF THE
HOUSE of COMMONS
In the SIXTH SESSION of the
Sixteenth Parliament of GREAT BRITAIN,
Appointed to be holden at WESTMINSTER
On TUESDAY the 18th of MAY, 1784.

Tuesday, 3d February, 1789.

HE House being met, a message was delivered by Sir Francis Molyneux, the Gentleman Usher of the Black Rod, which was as follows :

“ Mr. Speaker,

“ The Lords, authorized by virtue of His Majesty’s commission, desire the immediate attendance of this honourable House in the House of Peers, to hear the commission read.”

Accordingly, Mr. Speaker, with the House, went up to the House of Peers; and, being returned, informed the House, that he had procured a copy of the speech delivered by Earl Bathurst, one of the Lords Commissioners, on opening the Parliament, which he immediately read as follows :

“ My Lords and Gentlemen,

“ IN pursuance of the authority given us by His Majesty’s commission, under the great seal, which has now been

" read, amongst other things, to declare the causes of your present meeting, we have only to call your attention to the melancholy circumstance of His Majesty's illness, in consequence of which it becomes necessary to provide for the care of His Majesty's Royal person, and for the administration of the Royal authority, during the continuance of this calamity, in such manner as the exigency of the case appears to require."

The standing orders were moved and read, as usual, at the commencement of a session, and the votes were ordered to be printed.

The bill for preventing clandestine outlawries was read a first and second time.

Mr. Chancellor Pitt now rising, begged leave to remind the House, that the causes of the opening the Parliament having been mentioned, and the measures which were intended to be brought forward, having been entered into, and much discussed, it was not necessary at present for them to do more than to move for leave to bring in a bill to provide for the care of His Majesty's Royal person, and for the administration of the Royal authority, during His Majesty's illness.

The motion being immediately put, it was agreed to, and ordered, *nemine contradicente*,

" That leave be given to bring in a bill to provide for the care of His Majesty's Royal person, and for the administration of the Royal authority, during the continuance of His Majesty's illness; and that Mr. Chancellor of the Exchequer, Mr. Secretary at War, the Master of the Rolls, Mr. Attorney General, Mr. Solicitor General, the Marquis of Worcester, the Marquis of Graham, Mr. Edward James Elliot, Lord Frederick Campbell, the Earl of Mornington, Lord Belgrave, Mr. Ryder, Mr. Alderman Watson, Lord Mulgrave, the Earl of Courtown, and Mr. Comptroller of the Household, do prepare and bring in the same."

The House adjourned.

Wednesday, 4th of February.

Mr. Chancellor Pitt informed the House, that the bill for leave to bring in which he had moved on the preceding day, and received their directions accordingly, was not quite completed by those who were appointed to draw it up, but that he hoped to be able to bring it in upon the morrow; and, should it be then read a first time, to have it read a second time on Friday, in which case they might go into the Committee upon it on Saturday.

Lord Maitland. Lord Maitland, under the idea that this, as that stage of business would probably run into length, and the House might

not be able to get through the clauses by midnight, and to going into the Committee on Saturday.

Chancellor Pitt answered, that it was not needful that we should continue sitting in a Committee after twelve o'clock next Saturday night, as they might by that time, after Pitt's proceeding through several of the clauses, report is, and resume the consideration of the remaining of the bill in a resumed Committee upon the ensuing day.

House adjourned.

Thursday, 5th of February.

Chancellor Pitt brought in the bill, "To provide for the care of His Majesty's Royal person, and for the administration of the Royal authority during the continuance of His Majesty's illness."

Mr. Powys delited to know, before that or any other bill had a first time, whether the commission, under the authority of which they sat as a Parliament, had expired or not, in other words, whether the Commissioners were *oficio*, or still possessed their powers, and whether their commission would not be necessary to give the Royal assent to any bill which the two Houses might think proper.

Mr.
Powys.

Mr. Attorney General contended that the commission, under the authority of which the Parliament was opened, was General, and in full force. That commission contained words giving it so broad, that it was apprehended by some persons, that they would authorize the giving the Royal assent to any bill which might pass; but, other persons, who grounded their opinions on the conduct of Lord Hardwicke in 1754, held differently. In 1754, Lord Hardwicke had put the seal to a commission for opening the Parliament, and a subsequent commission, when it was necessary, to give the Royal assent to a naturalization bill, the only bill which was in that Parliament, the Royal assent to which was under the joint authority of both commissioners. On this occasion, however, the Attorney General added, that he understood, that he had merely delivered sentiments of an individual, and he wished that others would favour the House with their opinions on the subject.

Mr. Sheridan having remarked that it was customary for Mr. Sheridan to contain words, giving a power to the Commissioners to adjourn and prorogue Parliament, that it appeared rather extraordinary that those words were left out of the present commission.

Mr. Attorney General answered, that if the honourable gentleman would consult the rolls of Parliament, he would find,

find, that, at different times, different commissions had been issued for opening Parliament. At one time, such commissions furnished powers for giving the Royal assent to bills; at others, they imparted powers to prorogue and adjourn, and at others, the powers granted were merely those of opening Parliament, and continuing it open. On the present occasion, it was only thought necessary to give powers to open the Parliament, and so to continue it.

Mr. Anstruther. Mr. *Anstruther* having observed that he admitted that the commission was good, if not liable to any other objection, whether it contained powers general, or powers limited, or specific, begged leave to remind the House, that the argument had generally run, in the course of the debates, that a commission was to issue, authorizing Commissioners to give the Royal assent only to the Regency bill. If no new commission issued, he conceived, under the general words of the commission last issued, that the Commissioners were left to exercise their discretion, and give either the Royal assent or dissent to the bill.

The question was then put, "That the bill be now read a first time." It was read accordingly; and the breviate of its contents being handed to the Chair, the Speaker proceeded to read it. The breviate stated, that the bill authorized His Royal Highness the Prince of Wales to exercise all the Royal prerogatives, and to transact every act of Government during His Majesty's illness, in the name and on the behalf of His Majesty, in the same manner as His Majesty could have exercised the same, subject only to such limitations and restrictions as were therein after provided. It then stated the several limitations and restrictions specifically; and that it contained clauses, investing the care of the King's person with Her Majesty, and adding a council of advice for the aid and assistance of Her Majesty. It stated, that the said council was to be invested with peculiar powers. It stated also, that there were clauses in the bill, providing for the resumption of the Royal authority in the person of His Majesty, in case of his recovery; signifying, that by advice of the Queen's council, and until His Maj: sty's issuing his Royal proclamation, he should be empowered to resume the same; and it contained various other clauses.

Mr. Burke. Mr. *Burke* remarked, that the bill appeared to contain so many clauses, and some of them of the most serious importance, that he hoped, anxious as they all were for every possible dispatch of the business, and the restoration of the Government, that due time would be allowed for the fair and deliberate discussion of the various clauses. The bill was, a bill to make many Kings, which of itself was a matter that deserved very nice attention; but the clause authorizing His Majesty

object to resume the exercise of the Royal authority, on the suggestion of the Queen's council, proceeded on an idea unfair, so wild, and absurd, and was at the same time so new to the House, having never been once hinted at in debate, that it demanded a most jealous consideration.

Mr. Chancellor Pitt said, that he wished exceedingly that Mr. Chancellor Pitt gentlemen would not go into any debate upon the bill, before they had an opportunity of reading and understanding it. The bill would, he learnt, be printed by the next day, in time for its delivery before the House met. When gentlemen had the bill, therefore, to peruse, they would be better able to discuss its contents, than they would be from merely hearing the breviate of the bill read, which containing only a general summary of its several clauses, could not give them a clear idea of the object and provision of its clauses, as they would receive from examining its detail. If the fact were, as the right honourable gentleman had stated, that the provision for His Majesty's resumption of his Royal authority was unfair, wild, and absurd, as the right honourable gentleman had thought proper to pronounce it, before he had read the clause, the whole extent of the proceeding upon that conviction would be for the House to decide, whether they could be ready to go into the Committee upon the bill on Saturday.

Mr. Sheridan remarked, that the bill was ordered to be brought in on the resolutions that it had been voted, and had therefore, if it contained any new matter not grounded in any point included within those resolutions, the order of the House had been departed from, and the bill ought not to be suffered to proceed.

Mr. Chancellor Pitt begged leave to remind the House, that if any one of the clauses in the bill under the consideration of the House should be deemed improper, the House would have it in their power to dispose of it; or if any of its clauses required amendment, they would have a fit opportunity of amending the same. This he was certain of, that however it might strike gentlemen that the clause was a new one, which provided for His Majesty's resumption of his Royal authority, when it should please Heaven to restore him to his former health, the principle of that clause was very far from being novel. No gentleman in that House could object to the idea, that proper provisions ought to be made to enable His Majesty to resume his authority, when he should recover. It had been a principle much debated, and on which there had been no difference of opinion, nor was it possible that any difference of opinion could subsist on such a subject. If, therefore, the clause should, after

Mr. Chancellor Pitt
exam

examination, be found inadequate to its object, the House would be able to correct its defects.

Mr. Grey. Mr. Grey expressed his full conviction that there was not a greater nor a more ardent desire on one side of the House than on another, to provide effectually that His Majesty might be enabled to resume his Royal authority, as soon as he should recover. Certainly, all must agree, that every necessary provision ought to be taken for that purpose; but he could not but observe, that allowing His Majesty to resume the exercise of the Royal authority, upon the advice of the Queen's council, and by virtue of the Royal proclamation only, without the interposition and cognizance of Parliament, did, upon the face of it, appear to be a most novel and extraordinary provision.

Mr. Chancellor Pitt. Mr. Chancellor Pitt answered, that he must still contend that it was by no means the purport of the clause in question to enable His Majesty to resume the exercise of the Royal authority, by virtue of issuing his single proclamation, as gentlemen appeared to imagine. To remove the impression which must necessarily prevail, if so strange an idea were suffered to go abroad, he would shortly, and, in the abstract, state the nature of the provision contained in the clause alluded to. The clause provided, that upon its appearing to the Queen, and to the majority of her council, that His Majesty was fully restored to his health, and upon His Majesty's requiring a Privy Council to be summoned, and signifying such requisition, under his sign manual, to the Lord President of the Council, consisting as well of those who had been Members, as those who were Members, usually summoned, should be convened, at which His Majesty and the Queen should be present, when His Majesty's physicians should be examined, and upon its appearing to the majority of the Privy Council so summoned, that His Majesty was recovered, His Majesty should be authorized to resume the exercise of his Royal authority, upon the issuing of his Royal proclamation for that purpose, signed not only by his sign manual, but countersigned by the majority of the said Privy Council, and that Parliament should be immediately called together to recognize and ratify the proceeding.

The bill was now ordered to be read a second time on the morrow, and to be printed.

The House adjourned.

Friday, 6th February.

Three petitions for private bills were presented, read, and referred.

Mr. Burke. Mr. Burke desired that he might be permitted to trespass upon the patience of the House, whilst he adverted to a subject

it which would claim their notice, if they considered themselves authorised to proceed under the sanction of the commission, which had constituted them a Parliament, in regular parliamentary mode, and that was, the immediate exemption of their proceedings, in the serious and important trial of Governor Hastings, in Westminster Hall. The ~~being~~ Tuesday, the House well knew, was the day to which the House of Lords had adjourned the trial, previous to the prorogation of Parliament, at the end of the last session. He had hoped, therefore, that the House of Lords would not have risen without pursuing the fit means for providing for the going on of the trial on some future day, if such should be their intention, or of signifying that they intended to proceed on Tuesday. If, however, that House were called upon to proceed on the trial, on the approaching ~~Wednesday~~, they must be ready to go into Westminster Hall, and the Managers must, of necessity, be prepared to come forward with another charge. He thought it his duty, therefore, to give notice, that when the Managers should be called upon to proceed, the next charge which they meant to go upon, would be that respecting the presents.

Mr. Chancellor Pitt moved the order of the day for the second reading of the bill, "To provide for the care of His Majesty's Royal person, and for the administration of the Royal authority, during the continuance of His Majesty's illness."

On the Speaker's putting the question, "that the bill be now read a second time,"

Mr. Burke expressed his extreme surprise that the bill should be proposed to be read a second time, without the House having heard a syllable as to what the principles of the bill, when opened, and its clauses and provisions. He had often known the principles upon which a bill had been ordered to be brought in, either totally at variance with in the bill itself, or so violently strained and departed from in the various clauses, that scarcely a single principle upon which the House had resolved to legislate, was to be found in the bill, or to be found entire. It behoved the House, therefore, at all times, to watch great and important bills narrowly, and to see that they were not deceived and deluded; and that while they meant and had resolved to pass a bill for one purpose, they were not induced to pass a bill, containing provisions to answer a very different purpose. There might possibly exist some doubts as to the constitutional and legal competency of the character in which they were then proceeding to act, as a branch of a perfect Legislature. In argument and in debate, he and others had much questioned the validity of the commission, under the auth-

Mr.
Burke.

rity of which Parliament had been opened; but, admitting for the present, that there had been exercised a competent power to make the Houses a Parliament, and enable them to do the act, upon which they were proceeding, they ought to see what the bill was, before they went on with it; and, therefore, though he meant not to debate the subject at large, he should take the liberty of calling the attention of the House, before they read the bill a second time, to the extent of its provisions, and the extraordinary manner in which the resolutions that the two Houses had come to, were now attempted to be made use of, and carried into effect. Never surely was there a time, when the people of England and that House were so called on to see what they were doing, and to examine, with every possible degree of prudence and foresight, the serious and important consequences, to which what they were doing might lead. His Majesty's incapacity to exercise the Royal authority, had been established to the conviction of the two Houses, in a manner which left all possibility of doubt out of the question. Indeed, if the examinations of His Majesty's physicians had not taken place, the fact would be too clear to have admitted a dispute, from a great variety of consequences necessary to be detailed, because they were consequences, which they not only all saw, but felt. The duration of His Majesty's malady, the turns which it might take, the disguises which it might assume, lay hidden in the secret recesses of the dispositions of providence. His Majesty was insane, but his malady was not like that of some other persons, who were under confinement in houses and places destined for such purposes, intermittent, various, subject to degrees, lucid intervals, and occasional visitations of reason, but his faculties were totally eclipsed; not a partial eclipse, wanting some digits of completion, but a total and entire eclipse. They were, therefore, to supply the defect in the exercise of the Royal authority. The present bill was indefinite in its duration, because that bold promiser, Dr. Willis himself, could not fix a probable time for the chance of His Majesty's being capable of recovering sufficiently well to be fit and able to resume the exercise of his Royal functions; and as Dr. Willis, in the sanguine temper, ungoverned zeal, and impetuous rashness of his mind, could not take upon him to decide what would prove the duration of His Majesty's illness, it was not likely that physicians of more moderate minds, of cooler judgements, and of more sober reason, should take upon them to decide the duration of the malady, which had struck at the Sovereignty of the empire, and wounded all that was Sovereign, either in the political or natural capacity of the King upon the Throne. No period like a moderate time, therefore, had been mentioned, in

the duration of His Majesty's illness; the malady of the Monarch, consequently, was fixed to no known definite time; and at that moment a bill was brought in, totally to separate and parcel out the Royal authority, so as to leave only the chance of a government, necessarily so impotent, as to be scarce able to stand at all. All limited power was, from its nature, feeble; and the circumstance of its being only temporary and uncertain, rendered it still more deficient in vigour and in efficacy. The first object of the bill was, to nominate a person to hold this weak, and almost useless government. The next purpose which it avowed its aim to effect, was the raising a power in opposition to that Royal authority. Those who gave such powers, were clearly to be the masters of them, and there could no doubt remain, but that the bill was drawn with a design to answer the rash ends of the mad and daring ambition of a right honourable gentleman, whose conduct had but too plainly manifested his view and his intentions. Thus, there was a partition of power, in which the Prince was destined to have no other than an official character, while all the palaces, offices, and dignities, were given to another. This partition was more odious and offensive, than the famous Partition Treaty, relative to the succession, on the death of the last Prince of the House of Austria. It was a partition founded on the most wicked and malicious principle; every thing that was degrading and restrictive, every thing that stamped a suspicion on the character of the Prince, and conveyed a gro's affront to His Royal Highness, by holding him out as a person not to be trusted, as a person whom the Public ought to suspect, and were likely to be deceived by, was done by what was withholden in the bill; while, on the other hand, all that was graceful, all that was honourable, all that was calculated to hold up a character as great, virtuous, and meritorious, was given where an opposition was set up, to oppose and counteract the executive government. The bill affected to give the Royal authority, and tended to answer the purposes of a faction, against that authority. Its real object was, to defeat the preferable claim of the Prince of Wales to the Regency, in the very moment that the claim, in practice and effect, was found to be irresistible; and to set up what had been termed the equal right of a subject, as paramount to the Prince's right. Mr. Burke declaimed upon the purport of the bill, in the view of which he chose to consider it, and said, that the doctrine of divine right, which had been exploded in the House of the Stuarts, was now revived in favour of another House. The present Minister, he understood, had been called an heaven-born Minister, in another place; they might fairly suppose, therefore, that he had a divine right to take to himself a larger portion

of power and of patronage, than he chose to leave to the Prince on the Throne ; and, when he said the Prince on the Throne, he begged to be understood as alluding to the Prince of Wales, sitting on the Throne in his delegated character, on the behalf, in the name, and as the representative of his father. But, if the Minister was already declared by one of his fanatics, to be an heaven-born Minister, he did not wonder at his considering himself as acting under the influence of a divine right, and that he should go any lengths to secure the power at which he aimed. By the present bill, all the powers of distributing honours, and every charity, were denied the Regent. There were employed by the household, painters, architects, historicographers, and many other artists and artificers of different degrees, ranks, orders, and descriptions, to reward whom, the Prince was deprived of every possible opportunity. He was left without a table, without any provision, which resembled the shadow of royalty, farther than what he had enjoyed as Prince of Wales from His Majesty's personal bounty. Mr. Burke added, that although he trusted that he honoured Her Majesty as much as any other subject, he did not think that she ought to have that patronage. She might be nominated to hold it, but he was confident that the exercise of it would devolve into other hands. The bill was calculated to eclipse the Royal dignity, and to reduce the Regent to an official character, which was a scandal to the nation, and the more so, as coming from those who were thought men of honour ; and, therefore, he should consider it as a wicked, base, and unjust action, not more degrading to the Prince of Wales, than disgraceful to the perpetrators. In consequence of the bill, responsibility was given to the Prince of Wales, who was saddled by having all the onerous duties of government imposed on him, without having any grateful powers to counterbalance the burthen, while the dignity, splendor, and real distribution of emoluments, were given to the Minister. The bill meant not only to degrade the Prince of Wales, but the whole House of Brunswick, who were to be outlawed, excommunicated, and attainted, as having forfeited all claim to the confidence of the country ! Gentlemen might smile as they pleased at this doctrine, but the conduct of the other side of the House was reprehensible, degrading the Royal Family, sowing the seeds of future distractions and disunion in that family, and verging to treasons, for which the justice of their country would one day overtake them, and bring them to trial.

Mr. Burke was interrupted by a general cry from the other side of the House, of " Order ! order !"

Mr. Chancellor Pitt observed, that notwithstanding that the right honourable gentleman chose to indulge himself with a direct attack upon him, in the style of invective in which he was accustomed to deliver himself in that House, he seldom thought it worth his while to interrupt the right honourable gentleman, and call him to order, or indeed to make him any answer, because his speeches, from their extraordinary style, and the peculiarly violent tone of warmth and of passion with which they were generally delivered, seldom failed to give that impression, which those to whom they were directed wished them to give; but, when the acts of the House were called in question, and a bill avowedly founded on principles which the House had sanctioned by voting them, after much discussion and debate, in the form of distinct resolutions, was represented as amounting to the outlawing, excommunicating, and attainting the whole House of Brunswick; and the House was told distinctly and unequivocally, that they were proceeding to act treasons, for which at a future day it would be overtaken by the justice of their country, and brought to trial, he did hope that the House would interpose its authority, and when such a violent breach, not only of order, but of common decency, was committed, that it would oblige gentlemen to restrain their violence, and not under the pretence of passion, suffer themselves to be betrayed into such irregular, disorderly, and unseemly conduct.

Mr. Gamon rose likewise, declaredly to speak to order; but, proceeding to mention that the right honourable gentleman had taken the liberty of alluding to an expression made in another House of Parliament by a noble Duke, to whom he had the honour to be related, he was interrupted by

The Speaker, who informed the honourable gentleman, that if he rose to object to any particular part of the right honourable gentleman's speech, he should have interrupted him, and made his objection when the expression that he meant to call in question had fallen from him.

Mr. Burke again rising, observed, that whenever he used any words that were disorderly, he presumed those who thought proper to call him to order, would state what the disorderly words were, as well to convince the House that he had been disorderly, as to enable him to explain his meaning in a regular manner. With regard to the charge of passion, which the right honourable gentleman had imputed to him, he confessed that he had expressed himself with warmth, originating from a deep consideration of the great importance of the subject, and not from any censurable imbecility of temper. So far from it, it would have been censurable in him,

him, or any man, possessed of common feeling, to have refrained from that indication of warmth and passion that he had betrayed, when talking of a bill, from the provisions of which, the whole House of Brunswick were expressly excluded. When he saw that, under a pretence of providing for Government, there was a provision made for tumult, disorder, and debility in that Government, he felt as a man, conscious of the fatal effects of such consequences, must feel, and spoke warmly and passionately upon the subject, but that warmth, and that passion, arose from a due sense of the dreadful tendency of such a provision; and when ought he to speak of it, but when they were in the action and in the practice of that very game of ambition, of which he had complained, and to which he imputed all the serious and fatal consequences that he had stated. In considering the manner in which that game of ambition was proposed to be played, and the measures that were resorted to, in order to render it successful, and to secure that success, was he not to look to the views, intentions, and designs of those, whose object it was to win the game? especially when those measures were, to the last degree, clear to the Constitution, and obviously tended to aggrandize certain individuals, to the destruction of the Government of the country. If, by the sort of speeches he usually made, the style of his argument, and the warmth of his delivery, he served the right honourable gentleman, the right honourable gentleman ought to be much obliged to him. Sure he was, that he did not mean that what he said should further the right honourable gentleman's objects, and certain he likewise was, that the purposes of ambitious men were best served, by concealing all inquiry into their secret motives and intentions, and resorting to general encomiums on their conduct. He should contend, that, in examining a bill that tended to cause a total revolution of the splendor of this country, to separate it from the executive government, and to give it to other and unknown persons, he had a right to look to the private views and secret motives of those who brought in such a bill. If he found the whole object of such bill, under pretence of a compliment to the King, was calculated to degrade the Royal family, and merely to serve the purposes of ambitious men, he had an undoubted right to examine into, and question the purity of, the motives, designs, and intentions of its authors. Upon what principle, therefore, of propriety or reason, or common sense, had gentlemen deemed an argument, founded in such a purpose as he had explained, a fit subject for laughter? Such laughter, and so applied, was worse than madness itself, and more horrible than the senseless ravings of the unfortunate wretches who were chapped.

to their cells. Mr. Burke declared that he had not rashly or weakly suffered his reasoning on such a subject to hurry him into warmth, and contended, that nothing he had said was deserving of laughter or of ridicule. When the House had formed themselves into a Committee, he should, he hoped, shew that he was able to speak with temper, and prove, to the conviction of prejudice itself, that the arguments he had, before he was interrupted, only loosely and generally thrown out, were founded in truth and seriousness, and well worthy the solemn attention of every man in the country. At present, he would only shew the effects of the bill collaterally. Mr. Burke then proceeded to touch on some of the provisions in the bill, which were, he remarked, so far new to the House, that they had neither been expressed in any of the resolutions, nor opened or stated in debate. One of the first points of this sort that he alluded to, was the privy purse of His Majesty, which, from 36,000l. a year, had been increased, first to 48,000l. and had at length swelled up to 60,000l. a year. That, of which they had hitherto heard nothing, was by the bill to be withheld from the Prince of Wales, who was to have no privy purse; so that by the bill they would separate from him the table, honour, and hospitality belonging to Royalty, and were going, for what they knew, to create a fund for bribing Members of Parliament, by entrusting the Queen with the care and application of such an enormous sum of money. They gave such a large sum not for what the King would have done, were he well and in health, but for Her Majesty's guessing what the King would have wished to have done, were he well; while the Prince of Wales, as Regent, was neither suffered to act liberally for himself, nor to think what his Royal father would have had transacted. They had heard of the Queen's girdle, the Queen's shoes, the Queen's mantle, and other parts of her personal attire, as heads of expence under the civil list, but they had never before heard of the Queen's having an enormous sum allowed her for guessing what the King would have done, had he not been insane. The Queen might be regarded as the King's trustee for accumulation, or his trustee for distributing it to no person knew who. The sum might be given away in pensions to support the faction, and in bribes to the Members of that House. The privy purse in His Majesty's hands had been responsibly placed; according to the bill, it was to be entrusted where there was no responsibility whatever; and, if the bill should pass that House, it would manifest that they were resolved not to bate a shilling of the money, about the very disposition of which they did not know, nor express any desire to know, a single syllable. Mr. Burke next adverted to that part of the

the bill which comprehended the provisions for the care of the King's person, from which the Prince of Wales, he observed, was expressly excluded. Perhaps, he said, that exclusion was proper; but why were the Duke of York, and the Dukes of Cumberland, of Gloucester, and the rest of the Royal family, excluded? Was he to be laughed at, for saying that such a general exclusion upon the face of it appeared as if the whole House of Brunswick were outlawed, excommunicated, and attainted of high treason? Had the rest of the family no interest in the preservation of the King's person? Had they expressed that they had no wish for his recovery? His Majesty's person, and His Majesty's money, what security was there for either? The language of the bill clearly was, "Oh! keep the Prince from both, and let them lie at 'the mercy and the will of the kites and the crows of the air!' There seemed to be no other disqualification for coming near the Royal person, and having any share in the care and guardianship of the personal property of the King, but the having sprung from his Royal loins. His Majesty's money and jewels seemed to be made the consideration of three objects, first to consider what they were, next where they were, and lastly in whose hands they were to be intrusted; and in the latter consideration, the Duke of York, the King's affectionate and dutiful son, his loving brothers the Dukes of Gloucester and Cumberland, and his other sons, Prince William Henry and Prince Frederick, were expressly excluded, and deemed unworthy of any share of that trust in which they had, undoubtedly, the first interest and the deepest concern. How did they know but so large a sum as the amount of the King's privy purse, which His Majesty, had he been sane, might have consented to reduce to its former amount, in alleviation of his over-burthened civil list, and to prevent its being again brought to Parliament for an additional increase, was intended to be given to jobbers, and monied men, to bribe them to adhere to the faction set up in opposition, and as a place of arms against the executive Government? Was he, then, to be laughed at, for saying, that by the bill, the House of Brunswick were excluded, proscribed, and attainted? The next part of the bill which struck him as most extraordinary and highly objectionable, was that clause which gave the Queen's council the power to pronounce His Majesty recovered, and restore His Majesty to his Government. An exclamation of Hear! Hear! coming from the other side of the House, Mr. Burke said, gentlemen acted wisely in endeavouring to prevent what would follow from being heard, but he would repeat the expression. The powers given to the Queen's council to pronounce His Majesty recovered, and restore him to the exercise of his Royal authority, were well

extraordinary. The clause did not even specify of what or of the Queen's council those gifted with so extraordinary a power were to consist. That was to be provided by the filling up of a blank. Parliament had been deemed competent to dethrone a Sovereign; but, when they came to return of a King, to the exercise of his Royal functions the whole power was given to a council, to consist of whom no man knew who. Mr. Burke declared, he would, for present, touch but on some few of the heads of that moment, and this as shortly as possible. They had declared the King incapable of exercising his Royal authority, after a full and solemn examination of His Majesty's physicians, but, whether he was to be deemed capable of resuming the exercise of Royal authority, or not, was not to depend on any resolution had by them. Before His Majesty had been declared incapable by Parliament, and before they had acted on their declaration of incapacity, His Majesty's physicians had undergone four separate, solemn, and scrupulous examinations; one before the Privy Council, two before that, and one upon oath before the other House. Thus the House had exercised all its own powers of investigation, superseding those of another of great authority. Why were not to be at least as scrupulous an examination of His Majesty's health, when a motion of so much importance as resuming his authority was to be decided? Out of prudence and respect, the House had proceeded carefully to inquire into and ascertain the fact of His Majesty's incapacity, before they grounded any proceeding upon it; and less important, less necessary, when the question was, whether the country was to be governed by a person in his power or not, that the fact should be at least as correctly ascertained with respect to His Majesty's recovery? As the King, until Her Majesty should think fit to assert that he was well, the people were not to know it. If the King were ministerial, and if His Majesty were well enough to sit in a chair at the head of that Council, the bill would declare that he should be declared capable. This was putting the whole power of changing the Government into the hands of Dr. Willis and his keepers. A person who had been mad, might, he contended, be so subdued by coercion and force, as to be capable of being prevailed on to act the part appointed him, of appearing for a short period to have restored his intellects. He maintained the difficulty of getting a man to swear, that a person who had lost his understanding, was restored and in his senses, compared with the difficulty of procuring a man, from the conduct and conversation of another, to swear that he was out of his senses. He mentioned the utter impossibility of bringing it to proof, whether

a person who had been insane, was perfectly recovered or not. What was likely to be the natural conduct of a person so happily restored? Undoubtedly, his first object would be to revive those domestic feelings, dearest to the human heart! Were the King to recover, and had it in his power, would he not, on the restoration of his intellects, first call his dearest son the Prince of Wales into his presence? Would he not next ask for his next son the Duke of York, and the rest of the Royal progeny? Did the bill provide for this? No. The whole was to be done in a blind manner, in the dark, and in a way most liable to suspicion, and to question. The whole was a scheme, under the pretence of pronouncing His Majesty recovered, to bring back an insane King. Those who conceived that the proof of a man having recovered his understanding, was to depend on affidavits and entries, forgot that a sound King naturally courted public inspection, and was desirous of being examined, and his recovery established to the conviction of his subjects. Mr. Burke reiterated his objections to the bill, and laid great stress on that of the House of Brunswick being excluded from any share of the guardianship of the King's person. He declared he did not suspect the Queen of being capable of acting improperly, but, as a public man, it was his duty to suspect situations and temptations, that might pervert the purest mind, and draw it aside from the straight path of rectitude, and thus render Her Majesty the tool of ambitious men. He reprobated the bill on account of its malevolent aspect, in excluding the House of Brunswick, and for its malicious attempt to guard against evils from a quarter, whence none were expected to come, and laying a quarter open, whence they were most to be dreaded. The House, he said, had proceeded step after step, and been led on to do that, which, if proposed altogether, would, he was persuaded, have been rejected by every man of honour. Like Macbeth, who, after having murdered Duncan and Banquo, exclaimed,

—— I am in blood
Stept in so far, that, should I wade no more,
Returning were as tedious as go o'er——

they found themselves inclined to proceed, from not daring to trace back their steps. Mr. Burke added, that he thought it necessary to throw out this preliminary series of loose remarks, not doubting but if they were coolly and seriously attended to, they would call forth those of men of greater abilities than himself, and like the man who first raised a spark, he should see that spark kindle into a flame hereafter. He added some farther general remarks on the bill, and declared, that he had done what he intended, and laid open

briefly

briefly the provisions of the bill, that he should be authorised hereafter to compare those principles back again with the provisions, and he did not doubt, but sooner or later, gentlemen would feel in their own breasts as he felt. Before he sat down, Mr. Burke took notice of a charge, which, he said, had been brought against him, of having attacked a noble Duke, for declaring in the other House, that the Minister was an heaven-born Minister. He had heard, through the Public, that such an expression had been made use of in the other House of Parliament, but he had not been present at the time or in the place himself. A Minister who was heaven-born, certainly might plead a divine right, and to a divine right he always should bow; they had, before this, heard of heaven-born Monarchs; and an heaven-born Minister, he was persuaded, was soon likely to become an heaven-born Monarch.

Mr. *Gamon* said that his noble relation (the Duke of *Chandos*) in the course of debate, had adverted to an expression of a noble Earl, the father of the right honourable gentlemen below him, who, once speaking of Lord Clive, had termed him an heaven-born general, and had remarked, that when the flourishing state, to which the right honourable gentleman had restored the revenue, resources, and commerce of the country, were considered, he thought the term of an heaven-born Minister was as fairly applicable to him, as that of an heaven-born general had been to Lord Clive. Mr. *Gamon* declared, that he had ever considered it to be disorderly and irregular to found any argument in that House upon what had passed in debate in the other House of Parliament, but, as the right honourable gentleman seemed to intimate his intention to resume his reference to the expression of his noble relation in the Committee, he begged leave to enter his claim to make a reply, whenever the subject should be resumed.

Mr. *Burke* answered, that the honourable gentleman had mistaken him. He had intimated no intention again to animadvert on the noble Duke's expression, but had merely attempted to state the inference and deduction, which he thought might fairly be drawn from that expression.

Mr.
Burke.

The question was then put, and the bill read a second time. The bill was next ordered to be committed to a Committee of the whole House, upon the morrow.

Mr. *Burke* observed, that as the first clauses, though liable to some objections, were not liable to as weighty objections as the latter clauses, which contained new matter, he thought it would be most adviseable to proceed no farther in the Committee, than through the early clauses.

Mr.
Burke

Mr. Chancellor Pitt answered, that it would be impossible to decide before hand, to what extent they should proceed. When they were in the Committee, they would be best able to decide, by the length of the discussion in which they would find themselves engaged.

Mr. Burke submitted, and the House adjourned.

Saturday, 7th of February.

Mr. Ald. Mr. Alderman Sawbridge observed, that he had some reason to suppose, that upon a former day one of the Members for Devon had called in question his assertion, in another place, that the Devonshire address had been fabricated in Downing Street. It was not his character or his custom, to sport wantonly with matters of fact; he had heard what he asserted from a quarter too respectable to be questioned, and he took that opportunity of declaring, that he firmly believed the fact.

Mr. Rolle. Mr. Rolle answered, that the honourable gentleman was extremely welcome to assert what he pleased in the Common Council, or elsewhere, but the fact was, that he neither had directly nor indirectly communicated on the subject of the Devonshire address, with the right honourable gentleman (Mr. Pitt.) He should be deservedly considered as the meanest of individuals, if he went down to his constituents as the emissary of any Minister. He never saw the address, till he saw it in Devonshire, and when he saw it, it was in the presence of numbers of those, whom he had the honour to represent.

Mr. Sawbridge not answering,

Mr. Rolle declared, that he would meet the honourable gentleman on any ground, in justification of his assertion.

Mr. Chancellor Pitt now moved the order of the day.

The order being read, for the House to resolve itself into a Committee, on the bill "To provide for the care of His Majesty's person, and for the administration of the Royal authority, during His Majesty's illness," the Speaker left the chair, and Mr. Brook Watson took his seat at the table.

Sir Charl. Sir Charles Gould proposed to postpone the oath imposed on the Regent.

On the question being put, the oath was carried.

As soon as the Chairman had read the following clause,

" And be it enacted by the authority aforesaid, that no thing in this act contained shall extend, or be construed to extend, to empower the said Regent, in the name and in the behalf of His Majesty, to give the Royal assent to any bill or bills in Parliament, for repealing, changing, or in

" in any respect varying the order and course of succession to the crown of this realm, as the same stands now established in the illustrious house of Hanover, by an act, passed in the twelfth year of the reign of King William the Third, entitled, ' An act for the further limitation of the Crown, and better securing the rights and liberties of the subject ; or to any act for repealing or altering the act made in the thirteenth year of the reign of King Charles the Second, entitled, " An act for the uniformity of public prayers and administration of sacraments, and other rites and ceremonies, and for establishing the form of making, ordaining, and consecrating bishops, priests, and deacons, in the church of England ; ' or the act of the year of the reign of Queen Anne, made in Scotland, entitled, ' An act for securing the Protestant religion, and Presbyterian church government ; '

Lord *North* remarked that, although he was far from entertaining the most distant intention of opposing the clause, which had been inserted in all the Regency bills, he could not avoid observing that this clause was uniformly preserved, to mark the sanctity of the statutes alluded to, and to shew that they could not be repealed, without a preliminary consideration of the subject in Parliament, which must pass on a special bill to repeal this part of the bill then under consideration, before it could repeal the acts which it recognized. Lord North commended this additional difficulty thrown in the way of an alteration of the ritual of the church of England.

Mr. *Beaufoy* desired to understand fairly, what was the *Mr. Beau-*
object and extent of the clause under consideration. If, as foy.
the noble Lord said, it was not binding upon the Regent, so
as to prevent him from at any time giving his assent to a bill
that might hereafter be brought in for the purpose of taking
off the disqualifications imposed at present on Protestant
Dissenters, and was merely meant as a fresh proof of the
sanctity of the statutes in support of the uniformity of the
church of England Ritual, he should have no objection ;
but if, on the other hand, it was understood to be binding
on the Regent, and that, under the idea of the sanctity of the
law as it stood, the Regent was precluded from giving his
assent to any bill to relieve Protestant Dissenters from being,
in consequence of their religious opinions, subject to disquali-
fications for civil offices, he should have many and strong
arguments to urge against it, because he thought it extremely
improper to do that collaterally, which, if done at all, ought
to be done directly and distinctly. Mr. Beaufoy avowed,
that he spoke on behalf of the Protestant Dissenters, who
had applied to Parliament for relief from the Test act, two
years

years ago, and who were so thoroughly convinced of the justice of their claim on the candour of Parliament, that they were still of the opinion, which they then entertained, and meant again to appeal to their deliberate judgement, and resumed consideration.

The Attorney General. The *Attorney General* answered, that the fears of his honourable friend were groundless, as the clause did not go to the extent described; it only threw this difficulty in the way of a repeal of the Test Act: it obliged Parliament, before it proceeded to the repeal of that act, to re-consider the subject thoroughly, and to have the present bill before its eyes. It could have no other meaning than to make it imperative on Parliament, to take all the statutes which referred to the subject into their consideration, whenever Parliament thought proper to alter the *Act of Uniformity*, but the uniformity of the church of England was the only act which it regarded.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* rising, in confirmation of the remarks of the *Attorney General*, explained the distinct view of the *Uniformity Act*, which related to the Ritual of the church of England, and the ceremony of prayer and sacrament of that church merely. No point contained in the clause in question, would, either directly or collaterally, preclude the Protestant Dissenters from appealing to Parliament again, whenever they thought proper. When that respectable description of persons last applied for relief from the *Test act*, he had stated his sentiments on the subject fully and fairly, and although he had not since heard any thing which weighed sufficiently with his mind to make him alter his opinion, he agreed with his honourable friend who spoke last but one, that whatever was done, respecting so important a consideration, ought not to be done collaterally. He was willing that the question should be discussed fairly, and discussed upon its own merits, independent of any other circumstance. With regard to the clause itself, he took the opportunity of informing the Committee, that the particular clause in question as well as several others in the bill, were inserted as mere matter of form; not as allusive to the present times or any peculiar circumstance of the present times, but because they stood in other *Regency bills*, and were provisions, which our ancestors thought it necessary to make, by way perhaps of shewing a degree of superfluous caution on a subject, on which it was their duty to provide every guard and security.

The clause was read and agreed to.

When the Committee came to the following clause:

“ Provided also, and be it enacted by the authority aforesaid, that if his said Royal Highness George Augustus

“ Frederick,

“ Frederick, Prince of Wales, shall not continue to be resident in Great Britain, or shall at any time marry a papist, then, and in every such case, all the powers and authorities vested in his said Royal Highness, by virtue of this act, shall cease and determine.”

Mr. *Rolle* trusted that the House would, candidly, in-^{Mr. Rolle} dulge him with a patient hearing whilst he entered shortly upon the present subject, previously to which he must declare in justice to the right honourable gentleman (Mr. Pitt) that with respect to what he had to offer, he had not had any communication with him whatsoever. In what he had to propose, he meant nothing personal or disrespectful, nothing injurious or hurtful to the feelings of any individual. He spoke from the regard he had to the principles of the constitution, which were the bulwarks of our freedom, and out of veneration for the house of Brunswick, and a wish to secure the Protestant succession in that House, because that succession would secure our liberty. For these reasons, and with these views, and with these views only, he thought it his duty to propose an amendment to the Clause then under consideration, and he imagined no friend to the Revolution, the Protestant succession, and the house of Brunswick, would disagree with him in wishing that the clause in question should be so worded, as to guard against the possibility of danger to the important objects to which he had alluded. Could he have brought himself to believe, that as the clause stood at present, it was sufficiently strong, he would not have proposed an amendment; or, if any person would step forward and confirm the declaration solemnly made by a right honourable gentleman, not then present, in that House, two years ago, he should be satisfied. That declaration had satisfied him at the time, nor did he mean to impeach its credibility, but, as doubts and scruples had, nevertheless, been still entertained without doors, he wished those doubts and scruples to be effectually silenc'd, and that the question might be set at rest for ever. He might, he was aware, be a marked man hereafter for his conduct on this occasion; but the chance of this circumstance was not a consideration with him, when weighed against a sense of his duty. He meant no disrespect to any person, but spoke merely out of regard for the good of his country. With respect to the words of his amendment, he declared he was not bigoted to them; any other words might be proposed which would answer the same purpose. Mr. Rolle then moved to insert after the words “or shall at any time marry a papist,” these words, “or shall at any time be proved to be married, in fact “or in law, to a papist.”

As soon as Mr. Alderman Watson, the Chairman, had read the amendment,

Lord

Lord Belgrave. Lord *Belgrave* expressed his feelings at being under the necessity of dissenting from his right honourable friend, whose great weight and respectability justly entitled him to every degree of respect and consideration in that House; but, differing as he did, on this occasion, with his honourable friend, he thought it proper to state the reasons of that difference of opinion. He understood, that, at a former time, before he had the honour of a seat in that House, when it was proposed that an arrangement of the affairs of His Royal Highness the Prince of Wales should be made, his honourable friend had risen and declared, that he could not act consistently with his duty to his constituents and his country, if, before he voted for the arrangement proposed, he did not desire to know whether there was any truth in a rumour of a very extraordinary kind; and, with this view, his honourable friend, he understood, had put the question, whether there was any foundation for the report of an indissoluble union having taken place with a very amiable and respectable character, whose religious opinions differed from the religious opinions of the established church of this country. A right honourable gentleman, (Mr. Fox) whose absence that day he most sincerely lamented, and especially the cause of it, had, on the occasion referred to, risen immediately, and said, in the most decisive manner, that there was no truth whatever in the reports in question; that they were libellous, and neither has or could have any foundation. Considering the weight due to the assertion of any individual Member of that House, and particularly to the assertion of a gentleman of the character and authority which belonged to the right honourable gentleman in question, he could not think that there existed any the smallest occasion to discuss the validity of such a rumour over again, and therefore he deprecated any such discussion, as not likely to answer any good purpose whatsoever.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* observed, that he perfectly coincided with the sentiments of the noble Lord who spoke last, that the present question did not require any length of debate, though he gave his honourable friend behind him full credit for the purity of his motives, and though he believed there could hardly be found a man in the House, who did not feel that his honourable friend had, on the present occasion, acted upon the most laudable principles; yet, he must differ from him entirely, as to the necessity of any amendment to the clause in question. That clause had been one of those to which he had alluded, when speaking of the uniformity clause. He had said that several of the clauses of the bill were mere clauses of form, and put in as a matter of course, without any especial reference to the subject of the bill. The

act was, they found them in former Regency bills, and conceived that they ought not to shew a less cautious regard to the safety of the constitution, than their predecessors had deemed necessary. They felt, besides, that leaving those clauses out of the present bill, was more likely to be a matter of remark, than letting them stand as usual. Not feeling, therefore, any ground for departing from these provisions of their ancestors, they had made them a part of the bill; but, for those reasons only, which he had explained, and not from any idea that they were more applicable to the present case, than to any former one. With regard to what his noble friend had alluded to, Mr. Pitt said, he wished not to advert to any thing which had formerly passed in that House; because, that could have nothing to do with the present bill.

Sir *William Dolben* expressed his full conviction that his Sir Wm honourable friend had been actuated by the purest motives in proposing his amendment. He was satisfied that his honourable friend had thought the amendment necessary, or he would not have moved it; he believed his honourable friend had conceived that the words which he proposed to insert were necessary, merely to quiet and set at rest the doubts which had been entertained, not by the vulgar and the mean, but by great lawyers, and many learned men. Such doubts ought to be done away; but he did not wish that the amendment should be accepted, if any learned gentleman would rise and say, that the clause, as it stood, was sufficiently strong to guard against evasion, and secure the Church and State from any difficulties and dangers which might be brought on it, in consequence of the existence of such a circumstance.

The *Attorney General* observed, that he felt it difficult to answer the question of the honourable Baronet directly and satisfactorily; because, let acts of Parliament be drawn up in ever so strong a manner, and with all the precautions of human prudence, foresight, and ingenuity could devise, it was impossible to declare, means might not be found to evade them. But, the security given by the present bill was the same as had been given in former times, and it had been deemed sufficient by our ancestors. The honourable Baronet had talked of rumours; but, though rumours might cause inquiry, rumours could not be made a ground for that House to legislate upon. With regard to the particular rumour in question, he knew not, nor had he heard of any thing which could warrant or induce him to believe it to have any foundation. Sure he was, that no point before that House, could make it necessary for them to alter the clause of the bill then under consideration.

Mr,

Mr. Welbore Ellis declared, that he felt himself totally at a loss to comprehend what the honourable gentleman meant by a marriage in fact or in law; but the honourable gentleman seemed to have forgot that there existed an act of Parliament, which expressly declared, that his Royal Highness could not contract a marriage with any person, without His Majesty's consent, signified under his sign manual. That act of Parliament was a full and sufficient answer to all which had been, or could be said on the subject. Mr. Ellis desired, that the 12th of George the III. might be read.

Mr. Hatsell accordingly read that clause of the Royal Marriage Act which provides, that previous to the marriage of the descendants of George the Second taking place lawfully; His Majesty's consent to such marriage must be first obtained, and signified under his sign manual; which consent must have the sanction of the Great Seal; and that all marriages contracted without the royal consent being so formally signified, were declared to be null and void, and of no effect whatever.

Mr. Ellis repeated, that the Act of Parliament ought to be the only answer given, whenever a doubt was started, whether the Prince of Wales was married in fact or in law.

Mr. Rolle. Mr. Rolle desired, that the preamble to that statute, might be read; which, having been read accordingly, Mr. Rolle observed that he could not pretend to pronounce upon it, but he had heard it to be the opinion of some of the first lawyers of this country, that nothing contained in the Act of Parliament, just referred to, altered or affected the clause in the act of William and Mary, which enacted and declared, that any Heir to the Crown, who married a Papist, forfeited his right to the Crown. Mr. Rolle declared, that he did not wish to press any thing upon the House that was disagreeable to them, and therefore however conscious of having executed his duty when he moved the amendment, he would not divide the Committee.

Lord North. Lord North now rising, observed, that by perusing the act which had been just read, it would appear that no marriage could be contracted of the kind, respecting which they appeared to have such wonderful apprehensions, and therefore no danger could arise to Church and State in the manner dreaded. It had of late, been the conduct of the two Houses of Parliament to assume the power of making laws; and therefore, as the proceeding to legislate by two branches of the Legislature might be questioned, perhaps some gentlemen might be disposed to challenge the validity of an act of Parliament passed legally and constitutionally by the three branches of the Legislature; and thence perhaps the question

of the honourable gentleman who spoke last. In answer to such, he would only say, that if it were a question, whether an act of Parliament, regularly passed under all the due forms, with the joint concurrence of the King, Lords, and Commons, had the force of law? That the question could not exist a single moment, without supposing that all the ends of the political society, which made their constitution, were dissolved, and that they were reduced to a state of nature. The act was in full force, and so it would remain, unless regularly repealed by some subsequent statute. With regard to the honourable gentleman's motives for introducing a discussion, which could have no good effect, but only tended to make the acts of the Legislature doubtful, and to raise idle and mischievous alarms throughout the country, he would not take upon him to pronounce what those motives were; they might be good, they might be bad; certain he was, be the motives either one or the other, the agitation of questions of the sort which the right honourable gentleman had started, could answer no wholesome purpose whatsoever. The honourable gentleman had declared, he would withdraw his motion without dividing the House. He thought the honourable gentleman perfectly wise in so resolving, because, if the honourable gentleman had been rash enough to resolve to divide the Committee, he did not believe there would have been a single person to have divided with him. The honourable gentleman, therefore, must have given over all thoughts of having tellers.

Mr. Chancellor *Pitt* observed, that the manner in which Mr. the noble Lord had chosen to deliver himself was so extraordinary, that he could not help expressing his surprize, that when the question had taken the turn, that every friend to that union and quiet, which the noble Lord had contended for, and which every gentleman must have anxiously wished it should take, the noble Lord should have thought it either necessary or proper to endeavour to create that division of sentiment, which it seemed to be the will of the rest of the Committee to avoid. The noble Lord had expressed himself in so taunting a manner to his honourable friend, that he seemed determined, if it were possible, to risque the danger of effecting an appearance of disunion, and of provoking his honourable friend to insist on that division, which he had handsomely declared, that he was willing to decline. The noble Lord, with a degree of contemptuous and insulting raillery had said, that his honourable friend's motives might be good. The noble Lord, therefore, seemed to doubt them. The noble Lord had as little right to doubt the motives of his honourable friend, as he had to doubt the motives of any one man in that House. The noble Lord had thought pro-

per to treat the subject with a degree of levity and ridicule, by no means suitable to its gravity and importance, and so hostile was the noble Lord's temper, that he could not agree with them in attempting to avoid a disagreeable discussion, which, for a variety of reasons, had better not have been gone into. But, luckily the hostility of the noble Lord's temper was so harmless, that it could not rouse them to a vigorous defence; nothing could induce them to depart from the line they had taken, and to which they were determined to adhere. He would not, he declared, go into the discussion any more than he had done before. It was sufficient for him to say, he took the whole of the case, together with the various laws which had passed, and all the circumstances of the declaration formerly made in that House, and putting these into the scale, they were enough to make him be of opinion, that there was no sufficient reason for the Committee to think the clause, put into former Regency bills by their ancestors, was not a sufficient security against every danger which possibly could arise.

Lord
North.

Lord North answered, that, after having been so severely reprimanded, he apprehended that the Committee would indulge him with endeavouring to defend himself for a very few minutes. Deficient as he undoubtedly in many respects was, to many honourable gentlemen in that House, there was one point in which he would not give way to any man. He appealed to those who sat with him for many years in Parliament, whether he had ever been considered as an uncandid man, or a man of a very quarrelsome disposition? He had not disputed the honourable gentleman's motives, he had only said, that the agitation of the questions started by the honourable gentleman might do mischief, and could not be attended with any good consequences. He thought so still. The right honourable gentleman had thought proper to contend, that he wanted to provoke the House to a division. He wished for no such thing. If there was a division, he, probably, should divide with the right honourable gentleman, and he seldom had that honour; and, as the right honourable gentleman generally divided according to the ancient maxim, *divide et impera*, he should not only divide with him, but command the object which he divided for. If, therefore, he had been anxious to divide with the right honourable gentleman, on that account, a little anxiety might surely have been pardoned. When the honourable gentleman who moved the amendment, had said, he would not divide, he had observed that he was glad of it. Where was the harm of that? With regard to going into subjects foreign to the purpose, he could not admit the charge; least of all could he admit, that it ought to come from a quarter, where the discussion

cussion of a dangerous doctrine, totally unnecessary to be agitated, had been insisted upon so peremptorily, that, although the doctrine had never been questioned, gentlemen were not suffered to sleep before they decided it. The doctrine of the honourable gentleman over the way, who questioned the validity of an act of Parliament regularly passed, under all its forms, by the three branches of the Legislature, he must take leave to say, was of ten thousand times the importance of the doctrine of the Prince's right. Was he to be reprimanded, because he thought the discussion dangerous? If a right honourable gentleman, on a smaller occasion, wished to settle the minds of men, might not he, on so great an occasion, wish to settle their minds also? It could not fairly be inferred, from any part of what he had said, that he was a man much disposed to quarrel. He owned he had spoken with a little warmth, but much less than the right honourable gentleman often used, and with more candour than the right honourable gentleman ever exhibited.

Mr. *Rolle* observed, that he could with the utmost truth assure the House, that in bringing forward the discussion, he only meant to guard the Protestant religion in this country from danger; that he was conscious of having done his duty, and so far was he, when he was satisfied in his conscience that he was right, from being afraid of persevering and maintaining points that he had once started, that he would persist, if he stood single, and all the House should vote against him. On the present occasion, it mattered not to him who liked, or who disapproved of what he did; he would not withdraw his motion, though he wished not to divide the Committee.

Sir *William Dolben* felt it impossible, upon this occasion, to avoid acknowledging, on principles of common justice, that he could speak in favour of the noble Lord's candour, from many years experience; he had heard him attacked again and again without mercy, and had seen him bear the most severe revilings, and the most taunting reproaches, with unexampled patience and candour, though he had resisted them with great firmness. After giving the noble lord his feeble support for many years, he saw the noble Lord acting in a different situation, and he might almost say of him, *Quantum mutatus ab illo, Hector?* With regard to the clause in question, if the Committee were of opinion, that the words of the clause as they then stood in the bill, were adequate to the purpose, he for one, would have them stand; if not, he should approve of an amendment; either, that proposed by his honourable friend, or another which might, in the general opinion of the Committee, be deemed more adequate, because, as he had hinted before, doubts had arisen, and that not in the minds of the mean and vulgar, but in the

minds of grave and learned men, whether a descendant of George the Second, if he married a Papist, would not, agreeably to the Act of Settlement, forfeit his right to the Crown?

Mr. Martin. Mr. *Martin* remarked, that although he conceived it to be unjust to incapacitate any man from holding a civil office for his religion, be it what it might, yet there was something so repugnant to the principles of the British constitution, in the principles of the Roman Catholic religion, that the most alarming consequences were to be dreaded from an Heir Apparent to the British Crown marrying a Papist, and therefore if a division had taken place, and no other gentleman had divided with the honourable gentleman who moved the amendment, he would have divided with him.

Mr. Sheridan. Mr. *Sheridan* observed, that he should now trespass less long than he at first designed, upon the attention of the House, because the noble Lord in the blue ribband had so completely answered his purpose of rising at all. There was, undoubtedly, a disposition on the side of the House on which he sat, to treat the matter without much discussion, but he could not help thinking the right honourable gentleman had endeavoured to raise a warm discussion, by imputing intentions which could not exist. The noble Lord in the blue ribband had treated the subject with that levity, which better became it, than the pompous solemnity it had been dressed up with, by those honourable gentlemen, who had said they had their doubts, but that they wished them to be hushed up. If any gentleman seriously thought that the matter, so darkly hinted at, had taken place, it was his duty to state the ground why he thought to propose an enquiry, and to probe that enquiry to the bottom. With regard to the honourable gentleman's motives, continued Mr. Sheridan, "I plainly say, I doubt the honourable gentleman's motives; and I say so, because I can judge only from his actions, of the purity of his motives. I can't pronounce them bad, because I can't possibly know what they are; but, let us compare them with his conduct. The honourable gentleman says, he has his doubts; he does not state why; he has had acts of Parliament consulted, tending darkly to sustain those doubts. What motive can he have, but to give suspicion wing, and disseminate alarm? Who has said any thing in favour of those doubts? It is true, a pamphlet has been written by an ingenious gentleman, the madness and folly of which are apparent in every page, and the whole drift of which betrays the author to be a bad citizen, because, when he roundly affirms that he seriously believes the fact he refers to, to have taken place, and then resorts to no means of elucidating it; he insinuates what

" what he ought not to have insinuated, without proceeding to establish it by something, at least, that bore the resemblance of truth." The honourable gentleman over the way had acted exactly in the same manner ; and, therefore, the Committee were entitled to doubt his motives. The right honourable gentleman, it was plain, did not believe the fact in question, or he would have been ready enough to adopt the amendment offered by the honourable gentleman. The right honourable gentleman had surely dealt enough in restrictions, providing against unnecessary apprehensions, not to be suspected of being ready to propose farther restrictions, if he could urge a colourable pretence for so doing. If the right honourable gentleman really did entertain a suspicion, a doubt, or a scruple upon the fact, it ought not to be huddled up, and left unexplained.

Mr. Chancellor *Pitt* observed, that the honourable gentleman who spoke last, seemed willing to make him vote differently from him, which was impossible : but so anxious had Mr. Pitt. the honourable gentleman appeared, to force him into a discussion, which he had declared it his wish and his determination to avoid, that he had never betrayed greater warmth in agitating the subject he had most at heart, viz. a personal attack upon him, than he had done in endeavouring to oblige him to betray an equal warmth of temper, and abandon that ground which he had already taken.

Mr. *Rolle* begged leave to remind the honourable gentleman that he had neither denied nor confirmed the declaration made by a right honourable gentleman, two sessions ago.

Mr. *Courtenay* said, that he owed it as an act of justice to the honourable gentleman (Mr. *Rolle*) to contend that the purity of his motives, and the honest ardency of his zeal, were proved beyond a possibility of doubt, by the weakness, futility, and absurdity of his arguments ; for, it was scarcely possible to conceive, that the honourable gentleman would introduce a motion of such a tendency into the House, unless he had really believed it was absolutely necessary to preserve the Protestant religion, and to rescue us from the impending danger of Popery. The honourable gentleman, trusting to his internal feelings, and the approbation of his conscience alone, had disdained to borrow the least assistance from logic, or any species of reasoning, in support of his motion, and exposed himself in all the artless and naked simplicity of his understanding. And Hudibras justly observes, that he who

To prove his zeal knocks out his brains,
The Devil's in him, if he reigns.

This was the second time that the honourable gentleman had

had introduced this subject into the House, as one peculiarly adapted to the tenderness, delicacy, and sympathetic feelings, which always distinguished him. His apprehensions, though groundless, evinced his patriotic affections, and his regard to the true interest of his country; for, if the honourable gentleman was so much alarmed without any real cause or foundation, what a generous ardour, what a noble impetuosity, and affecting eloquence would he display, to rouse the passions, and touch the feelings of every heart, if that bulwark of our liberties, the Protestant religion, was menaced with inevitable ruin; and it was decreed that Popery was to be once more triumphant. But, Mr. Courtenay said, he hoped that the nation had grown wise by experience, and, as they had suffered so severely by placing implicit confidence in impostors, that they would not suffer themselves to be so easily duped at this moment, by malicious insinuations, mysterious suggestions, or idle rumours. There were always impostors watching to take advantage of the credulity of the People, and to derive fame or consequence from their prejudices. Titus Oates was once the idol of his day, and worshipped by the multitude; but, his name was now justly consigned to contempt and infamy, and was likely to remain so, till it was degraded from the eminent rank it now deservedly held, by the superior merit of another impostor of these times, who excelled that celebrated doctor in every art which had characterized his political life. One Member of the House seemed rather disposed to support the honourable gentleman's sentiments. He, too, trembled for the Protestant religion. His apprehensions reminded him of Jack's terrors, in the Tale of the Tub, who complained to his brother Martin, that the Church and State were in danger, for the Pope, as he was credibly informed, had been seen in a brandy shop in Wapping, and the whole city had been thrown into the utmost consternation. Mr. Courtenay concluded by saying, that he did not suspect or insinuate, that the right honourable gentleman (Mr. Pitt) had either suggested or approved of his friend's sentiments. He only very handsomely vouched for the purity of his motives; the absurdity of his arguments, and his mischievous, though impotent, efforts, he disclaimed. By this ingenious logic, the clearness of the spring was proved by the foulness of the stream; and the impropriety, indecorum, and indelicacy of the honourable gentleman's allusion, were amply compensated by the purity of his motives, and the chastity of his sentiments. The right honourable gentleman had apologized for his honourable friend, in the style and manner of the show-man, in Goldsmith's comedy, who admired the awkward motions, and uncouth gestures of his dancing bear. "However," says he, "may

" may this be my poison, if my bear ever dances but to the
" very gentlelest of tunes, Water parted, and the minuet in
" Ariadne."

Mr. *Rolle* declared, that not all of the honourable gentleman's buffoonery should drive him from his purpose, which was grave and serious, and ought to be gravely treated.

Mr. *Grey* remarked, that the only merited answer for the Mr. *Grey* honourable gentleman, (Mr. *Rolle*) was the short answer of the act of Parliament, which had been read. Whether the honourable gentleman's motives were good or not, he would leave others to determine; but, he did suspect that they were not good, because they tended in their consequence to involve the country in disunion, alarm, and distrust. Mr. *Grey* was proceeding to enlarge upon the ill effects of the consequences, which darkly insinuated doubts, and unexampled scruples, founded in rumours, which he stated to be malicious, false, libellous, and calumnious to the Prince of Wales, when he was called to order by,

Sir *William Molesworth*, who said, that he could not sit still, and hear his honourable friend's motives called in question, and a design to promote such mischievous consequences imputed to him. He was one of the honourable gentleman's constituents; he knew the purity of his motives, and knew the sense of his constituents in general, that he had, at all times faithfully discharged his duty in that House, and was worthy of their confidence and esteem.

Mr. *Grey* proceeding again, begged leave to assure the honourable Baronet, that he would not be interrupted by any gentleman, who, under pretence of calling him to order, obliged him to sit down, without saying a syllable to order, himself. When he transgressed against order, the House, he trusted, would proceed regularly; whatever he might say that was disorderly, the House would order his words to be taken down, and would proceed to ground a censure upon those words. To that censure he should always bow with due respect, but he would not be deterred from discussing any question before them, by any individual's rising to call him to order irregularly. Mr. *Grey* justified his questioning the motives of the honourable gentleman, by declaring, that he conceived it to be his undoubted right to trace every honourable gentleman's motives from his actions. He made no scruple, therefore, to say that he did doubt the motives of the honourable gentleman who moved the amendment, and the right honourable gentleman, who had affected to desire that no discussion might take place. Mr. *Grey* proceeded to reprobate the rumours alluded to, as false, libellous, and calumnious, tending to create in the minds of the Public, at a most critical moment, suspicious equally derogatory

the honour of His Royal Highness the Prince of Wales, and dangerous to the general welfare of the People, inasmuch as they were likely to promote distrust, dissention, and disunion.

Mr. Alderman Watson. Mr. Alderman *Watson*, Chairman of the Committee, observed, that he was extremely sorry that a question of order had arisen, because, though no man was more desirous of doing his duty in that House than he was, in any situation in which the House might do him the honour to place him, perhaps there was not a person present less familiar than himself with that intricate system, the system of order. He did understand, however, that it was extremely disorderly for any Member to impute measures to any honourable gentleman for his conduct in that House, and, therefore, he was sorry that he had suffered the honourable gentleman, who had spoken last, to proceed in the first instance, to impute improper motives to the honourable gentleman who moved the amendment.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* expressed his belief that the Chairman had very correctly stated the fact, as to the point of order, with respect to the imputing motives to Members for their conduct in that House. It certainly was disorderly to impute motives to any Member of Parliament for his conduct; and it was obvious that it ought to be so; because, if the practice were admitted, the freedom of debate and of parliamentary proceeding would be undermined, and radically injured. In the early part of his speech, the honourable gentleman, (Mr. Grey) Mr. Pitt observed, had stated, that the only answer to any doubt or scruple that could be suggested as to the fact so often hinted at in the debate, was the ~~act~~ which had been read; and yet, no sooner had the honourable gentleman mentioned that as a sufficient reply, than he had thought it proper to proceed, at a considerable length, to add others, and, as he should conceive, much weaker arguments, certainly arguments much more injurious to the cause which he was so desirous to defend. He was persuaded that had the honourable gentleman left the subject where he found it, he would have acted more judiciously, and in a manner which would not, he was sure, have left him so much cause of regret that he had spoken at all. Before he sat down, Mr. Chancellor Pitt said, he would repeat the substance of his former arguments, from which no intemperance of injudicious friends of His Royal Highness the Prince of Wales, no inapplicable argument, nor any ill-timed expression of zeal, either real or pretended, should induce him to depart. Mr. Pitt then declared, that it was a recollection of all the circumstances of the case, of the laws that were in being, the declaration which had been solemnly made in that House

House two sessions ago, as well as what had passed that day, which induced him to declare, that he did not see any ground on which there ought to be a public inquiry; and, therefore, he was willing to abide by the clause, as it stood in the bill, resting upon the view which he had ventured early in the conversation to take of the bill, when he had stated his reasons for so deciding in a sort of temper, which he could not but consider as much more becoming the nature of the subject, than that which had been betrayed by the other side of the House, and especially by the honourable gentleman who spoke last, who, if he knew any thing of the case, by his declaration had confirmed, that whatever he said was unnecessary to be advanced, and being declared with so much heat, was liable to some question. Therefore it was, that he had, from the first, declared, that the honourable gentleman, in a moment of reflection, would regret having taken any part in the conversation upon the clause.

Mr. Rolle contended that the assertion of the honourable Mr. Rolle gentleman (Mr. Grey) had, in some degree, confirmed the declaration of the right honourable gentleman, who, two sessions ago, declared, that no such event as that against which he meant to guard, was known to have arisen.

Mr. Dundas trusted that he should receive the pardon of the Committee for having rather irregularly called for the question, when the honourable gentleman sat down the second time, but he had entertained hopes that the Committee in general would, on motives of common prudence and delicacy, have concurred in putting an end to the discussion at that period. Things since had, however, taken a very different turn, and arguments had been advanced which required some answer. When he heard that a recent act of Parliament was the only reply fit to be given to questions of the deepest and most serious importance, he could not submit that a matter of such magnitude should rest on such a point, nor would he agree that the effect of the act of Settlement was virtually done away by a posterior act, which did not specifically repeal the clause in a statute, in which the Constitution and the country were so deeply interested, as the act of William and Mary. As little was he willing to submit, that the rumour alluded to, was a question rather to be laughed at than argued. So to state it, was, surely, paying a bad compliment to His Royal Highness the Prince of Wales, and resting his cause on a weak and loose foundation. He was ready to say, that he disbelieved the rumour, for other, and, he conceived, for better reasons. He lamented a thousand and a thousand times the absence of the right honourable gentleman who had made that declaration two sessions ago, which had decided his opinion at that time, and

had since continued to preserve it fixed and unmoved. Most especially did he regret the cause of that absence; not that he meant to say that he was pleased to see so able a political general as the right honourable gentleman the leader of an adverse party in that House; he knew his abilities, his judgement, and his knowledge of political tactics, too well, to wish to have him at the head of an opposing corps, though he had no scruple to say, he should like, at all times, to see troops marshalled and led on by an able and skilful general; but he wished for the right honourable gentleman's presence, because he entertained so high an opinion of the right honourable gentleman's sincerity, that he was confident he would have come down to the House, even at the risque of his life, to have stated his sentiments on the motion of the right honourable gentleman behind him, if any point had occurred to have induced him to alter the opinion which he entertained, when the subject had been brought under discussion on a former occasion. On that opinion, solemnly delivered as it had been in that House, he perfectly relied; and, therefore, he was ready to say, he did not give the smallest credit to the rumours which had been so often referred to in the course of debate. The honourable gentlemen on the other side of the House seemed anxious to provoke a discussion of the whole subject; he, for one, should feel no delicacy in the world, but for a single consideration, and that was, because two persons must necessarily be made the objects of the discussion. With regard to one of the high and respectable personages alluded to, he certainly should feel but little difficulty, although no man felt more respect for that exalted personage than himself; but with regard to the other amiable character, he confessed, when that sex came into question in that House, he knew not how to agitate a subject of such delicacy. He therefore wished, at all times, to shut the door upon such discussions. The honourable gentleman had chosen to argue that he had a right to impute what motives he pleased to any honourable gentleman in that House; but, surely, the honourable gentleman was the last man living who should use that species of reasoning. Had the honourable gentleman forgotten, that two sessions ago, when a motion was agitated which did appear to be a question personally connected with one of the honourable gentleman's relations, (Lord Tankerville) and the motives of agitating such a question were talked of, as unworthy a Member of Parliament, the honourable gentleman had taken fire on the occasion, and in terms of uncommon warmth and indignation declared, that he deemed it disorderly to impute any motives, other than good motives, to any honourable gentleman who brought forward any question within those walls. Mr. Dundas, in

usion, flattered himself that the honourable gentleman (Grey) would give him leave to intimate that he would shewn more prudence, and have better served the cause, he behalf of which he had exercised his zeal, if he had cast upon that zeal so insurmountable a restraint as must compelled him to continue silent during the whole se of the debate upon the subject.

Mr. Grey answered, that, so far from feeling what the two Mr. Gr honourable gentlemen had said, he must experience, on reflection, some portion of regret for the manner in which he had delivered his sentiments, he was ready to ss himself happy for having delivered his opinion, since drawn from the two right honourable gentlemen ex declarations. that they neither of them believed any of the reports so often alluded to in the course of the te. Mr. Grey repeated his reprobation of those reports lie, libellous, and caluminous. He admitted the justice Mr. Dundas's remark relative to Mr. Fox, and assured the mittee that it was due to the character of his right hon able friend to declare, that no consideration of health, ny other circumstance, would have prevented his attend in his place, if he had not, at that moment, been fully fied that what he asserted on a former occasion, was ly true. Had the case been otherwise, his right honour friend would, undoubtedly, have been present, even at isque of his life. The Chancellor of the Exchequer, served, had contended that, on cool reflection, he must some regret at what he had said, and the other right hon able gentleman had remarked, that he was the last man g who ought to have imputed improper motives to the urable gentleman who made the motion of amendment day, because the right honourable gentleman had ob d that he took fire, in a former session, when improper ves had been talked of, relative to a motion which he ntroduced. He admitted that the fact was as the right urable gentleman had stated it. He had not been a ber of that House long before the occasion in question red, and he had felt his honour deeply wounded at an tation, which he considered as totally unmerited at the ent; but, the right honourable gentleman at the head is Majesty's Exchequer, had soon reconciled him to a procedure, and, by his own practice, had taught him lieve that it was the usual practice of the House. With d to the honourable gentleman's virtuous motives, who made the amendment, the honourable gentleman had, by wn conduct, provoked a proof of his intentions to be , and forced him, among others, to urge him to come rd with a full declaration of all he meant by his myste

rious and dark allusions. A right honourable and learned gentleman (Mr. Dundas) seemed to intimate that he had hurt the Prince of Wales's cause by his indiscretion; but, he thanked God, it was a cause so good in itself, that it could not be hurt by any man's indiscretion. As to himself, whatever allegations any gentleman might think proper to bring against him, he trusted that he would at once come forward, and he should find him prepared to meet him with a becoming answer.

Sir Wm. Molesworth. Sir Wm. Molesworth flattered himself that the Committee, in general, and the honourable gentleman (Mr. Grey) in particular, would accept of his apologies for the warmth with which he had called him to order; and he declared, that he entertained so high a sense of the goodness of the honourable gentleman's motives, who had proposed the amendment, that he could not sit silent and hear those motives impeached. He was always sorry to differ from his honourable friend, but he must differ from him respecting the clause in the bill to which the proposed amendment referred, because he was convinced that the clause, as it stood, was an adequate provision for the security of Church and State, and the succession of the House of Hanover.

At length, Mr. Watson put the question on Mr. Rolle's amendment, which was negatived without a division.

As soon as the clause concerning a restraint upon the creation of Peerages by the Regent, had been read,

Sir James Johnstone. Sir James Johnstone declared that he felt himself under the necessity of dissenting from it, because he considered it as shutting the door of the House of Lords against the Commons of Great Britain. The restriction ought to be in some sort or other qualified. If the Regent were allowed to make but one Peer a year, he should be satisfied, but he could not agree that the other House should obtain an undue weight in the scale of the constitution, and that the heads of wealthy and respectable families, who had seats in that House, should be debarred from any chance of being elevated to the honours of the Peerage.

Mr. Jolliffe. Mr. Jolliffe observed, that hitherto he had, withholden the mention of those opinions which he entertained; opinions which certainly amounted to a full objection against the projects of the right honourable gentleman, because he was desirous to see the extent of his plan, and what limits he would place to his ambitious views. He had valued himself on the boldness of his conduct; but he had overleaped the expectations of his most sanguine admirers. Mr. Jolliffe added, that he would not now enter into any discussion of the subject at large, which he proposed to do at a future opportunity, but he would confine what he had to say to the question immediately

diately before the Committee. The Royal prerogative of granting the highest honour and dignity which a subject could receive, was, perhaps, the very first privilege of the Sovereign, and was given for wise and beneficial purposes, for the advantage of the people, and those who were the objects of Government, and for whose benefit all Government was erected, and not for any aggrandisement or benefit to the Governor. If prudently exercised, it was a power judiciously placed, but should on no account be subject to positive and absolute limitation. The defects arising from an injudicious or lavish exercise of this power went to the augmentation, in too great a proportion, of the aristocratic part of the constitution; but, the limiting that prerogative, was to vest in one part of the Legislature the whole legislative capacity of the kingdom. The reasons for this prerogative were two. The one to enable the Sovereign to reward merit, and to bestow favours on the deserving; the other, to prevent a combination in the House of Peers, which might subvert the very existence of Monarchy itself. If this power was well placed in the hands of the King, it must be so in the hands of the Regent; for, misuse of power was as liable to one man as another. If the Ministers of the King were censurable for ill advice, so were the Ministers of the Regent; and if the Government was intended to be well administered, it was as necessary that this power should be in the hands of one as of the other. Merit was liable to arise at all periods, and equally deserved reward. The House of Peers were as subject to a combination during a Regency, as at any other period, which required control at all. There could, therefore, be no reason assigned for his limitation; the only excuse was, that it was a temporary expedient during the incapacity of the King. But, why was merit to go unrewarded? Or, why were the Peers to have a positive ascendancy over the other branches of the Legislature, during that interval; for no avowed reason, but in reality to give to the right honourable gentleman that power and influence, at which he had long been aiming. Another indisputable objection was, that no period was fixed when this limitation should cease. So that if His Majesty lived for any time, however long, and his malady continued, the Peers might, in defiance of the other branches of the Legislature, shut their doors, and govern the country exactly as they might think proper. He therefore moved, "To limit this restraint for the term of one year."

Lord North remarked that, if he perceived the matter in its real point of view, this restriction, like all the others contained in the bill, was grounded on the probability of His Majesty's speedy recovery. In debating the resolutions, it had

had been admitted, that if the period antecedent to His Majesty's recovery should unfortunately prove long, this restriction respecting the power of making Peers would be improper. It was exceedingly material, therefore, to look to dates. The first of February, which was the time stated in the amendment, was almost a year from that day. As it was two months since they had first examined His Majesty's physicians, and His Majesty had been ill almost as long before, the period prescribed by the amendment would be full fifteen months from the commencement of His Majesty's illness, as laid before the Privy Council. He appealed, therefore, to the serious consideration of the Committee, whether this restriction did not tend to make the House of Peers form too great a balance in the constitution, to outweigh that House, and destroy the equipoise which the constitution had wisely given to the three branches of the Legislature. If the clause passed without limitation, it would tempt the House of Lords to retain the power which it gave them, and to refuse to part with it, when circumstances might hereafter render it adviseable to take off the restriction. By limiting the duration of the restriction to the first of February, he contended, that the House would reserve its own right to exercise its authority. If the King should not then be recovered, they might resume the consideration, and continue it for a longer time, if they should deem it adviseable; whereas, if they passed the restriction, without any limitation, they would deprive themselves of the power of exercising their own discretion, and lay the House of Commons at the mercy of the House of Lords.

Mr. Isaac Hawkins Browne observed, that he was determined not to support the amendment, although he had before voted for some limitation of this particular restriction. Whenever the melancholy occasion should occur that they might find themselves unfortunately obliged to consider His Majesty's recovery improbable, he was sure that they would all meet it with the utmost regret, and the most heartfelt concern. It would, therefore, prove too early to become a welcome occasion, let the period be ever so lengthened. At present, they felt some consolation under the calamitous circumstances of the country, from the assurances of His Majesty's physicians that there was a strong probability of his recovery. They ought, therefore, to allow time for that happy event to take place, and he should think three years not too long a period. Two years at least ought to be allowed.

Mr. Chancellor Pitt remarked, that he still disapproved of the amendment, on the same ground which induced him to oppose it when the resolution had been under discussion.

in the Committee on the State of the Nation. The noble Lord had urged the same reasons against it, which he had then advanced, and which had then been answered, and therefore he should not repeat his arguments over again. As to the amendment, he thought one year too short a time for a limitation, if a limitation of any particular restriction were deemed necessary. It was perfectly fair for those gentlemen who had deemed some limitation necessary, to object to the amendment, as proposing a limitation of too short a time.

Mr. *Fitzherbert* contended, that the Regent would become actually excluded from the power of carrying on the government of the country, if the bill in question should pass into a law. Our ancestors, in framing the constitution, had adopted three branches of the Legislature, each of which was to have a distinct and separate power. He was, he declared, as unwilling to invade the rights of the Crown as of any other branch; but, the bill took away the necessary powers of the Crown, and provided a crippled and enfeebled Government. Mr. *Fitzherbert* alluded to the vote, "That the influence of the Crown had increased, was increasing, and ought to be diminished," and asserted, that the present bill tended to diminish it so totally, as to destroy its necessary consequence in the constitution.

Mr. *Martin* voted in favour of the amendment, from the apprehension that if, by the time mentioned in it, His Majesty's health should not become restored, there would be a very poor chance of his recovery.

Mr. *Burke* said, that he should not scruple to declare that he had always doubted the intentions of the proposer of the resolutions, when he got the House to vote those resolutions. He stated his fears at the time, and those fears, that it was intended by prevailing on the two Houses of Parliament previously to pledge themselves in order to force them to abandon their deliberative capacity hereafter, were now fully verified. The right honourable gentleman had declared, that unless any thing new was stated, he would say no more upon the subject. One right honourable gentleman lamented his right honourable friend's absence a thousand times. Mr. *Burke* said, he comparatively had reason to lament it ten thousand times. If the right honourable gentleman had lamented the absence of a General, the ablest that ever conducted an opposition army, what ought not his lamentation to be? The right honourable gentleman had a high sense of the phalanx that he fought with. If he ran, he knew he ran with Kings. He, therefore, thought nothing of conquering their irregular army, without their General to lead them. The right honourable gentleman reminded him of Montecucculi, who, on the death of Marshal Turenne, broke his staff.

staff, and said he would fight no more, because he had no enemy left that was worthy to cope with. Mr. Burke adverted to the period of history to which he alluded, and stated facts apposite to his argument, declaring that he wished the fight honourable gentleman an happy retirement, conscious as he was that he was opposing an adversary that could ruin him, and who chose that day to conquer, as all good Generals would wish to do, without risking a battle. Mr. Burke said, whether he could produce any thing new or not, he should certainly acquit his conscience, and endeavour to do his duty. He desired, in the first place, to be shewn when, in any Regency bill, preceding the present, there had been a limitation of Peers? He contended, that the present limitation must be proposed, on a suspicion that the Prince would abuse his trust, or that His Royal Highness's friends were such men as were suspicious, or, from the affected motive that the King would be hurt, if, upon his recovery, he found a change of tables, chairs, and stools about his person; for it was not less absurd to suppose one thing than the other. Mr. Burke, in order to exemplify his argument that the King had, at various times, suffered different men, and at different periods, to increase the Peerage, went through a list of the various Administrations of late years. He first mentioned the Marquis of Rockingham, whose power, he observed, had been as large as his heart, and yet, when he possessed the power a second time, he used it with mildness. He, in this part of his speech, suffered his natural warmth to hurry him into a violent invective against the supporters of the bill. He imputed their insisting on such a restriction as that under consideration, to the blackness of their hearts, and the rooted degree of their malignity. He charged every man who should vote for the restrictions, fully and explicitly with the worst motives, because he could not suppose they would not vote without. With regard to the probable prodigal making of Peers; Mr. Burke said, it was a slander. The motives could not be formed from the Prince, because those who ascribed them, did not know him; it could not be from the men, because their power had before been exerted without abuse. The Duke of Portland, for instance, had often served His Majesty; first as Lord Chamberlain, which place he filled with high honour; then as Lord Lieutenant of Ireland, and lastly, as First Lord of the Treasury; in each capacity, the noble Duke had acted to the satisfaction of his Sovereign. Would it be contended, that His Majesty could be pleased only by one person? Let it be remembered how many and how different the sort of men were, whom he had at different times favoured? The Earl of Shelburne, who was at one time generally supposed to be disliked by

ing, and who was now in the woods, was at a particular period in favour. The right honourable gentleman also, who was once the last person likely to be in favour at Court, had since been in favour, and had well repaid that favour: why then was it to be supposed, that persons who had been once in His Majesty's favour, might not be so again? There never had been so many Peers made, Mr. Burke observed, during the present Administration. He adverted to Mr. Rolle's declaration on a former occasion, that there had been persons created Peers during the present Minister's power, who were not fit to be his grooms, and made a variety of pertinent and pointed animadversions upon it; and yet, he remarked, that at the same time that the right honourable gentleman had made the largest use of this exercise of the Royal prerogative, the right honourable gentleman would not permit a temporary exercise of it by the Ministers of the Regent. If, therefore, the Committee put no period to the restriction, Mr. Burke said, it was directly against the Constitution; and he asked, if no great men in this kingdom existed worthy of being distinguished, except those whom the right honourable gentleman had distinguished? He contended, that this was an affront to the noble young men of the kingdom, and he put several cases hypothetically of young men of noble families fit to be made Peers. He took notice of the declaration of the Lord Chancellor in the House of Peers, that the Prince might indemnify himself by promises, which he considered as an affront to the law, the landed interest, and the *noblesse* of the House of Commons. Mr. Burke went over Lord North's ground of argument, that the restriction in question would tend to support the House of Lords in a combination against the Crown, and to encourage a faction in that House; points which he urged with additional force of argument. In the course of his speech, Mr. Burke more than once, by the vehemence of his manner, caused an expression of laughter from the other side of the House; on one of these occasions he remarked, that gentlemen might laugh poor honesty out of countenance, but they would better prove their claim to respect, by answering his arguments. He put it to their consciences, when they considered what they were doing, whether they were acting justly, acting as they did? declaring, that their conduct would only vex him at the moment, as any other inanimate thing that might come in his way would do, without seriously disturbing his judgement, or affecting his mind.

Mr. Thistlethwaite remarked, that he had not spoken his Mr. sentimen's before; he therefore took an opportunity of de- Thistle- claring, that he highly applauded the conduct of the right thwaite.

honourable Mr. Chancellor Pitt, that he had not shewn the least disrespect to the Prince of Wales, and that there was, in his opinion, no foundation for the complaint of a crippled Regency.

The Peerage restriction was voted,

When the House proceeded to the restriction relative to pensions, reversions, offices for life, &c.

L. North. Lord North renewed his argument, that the King ought, on his recovery, to find himself in no worse situation, than before his illness, and that therefore, although the Regent might be restrained from converting any place during pleasure, into a place for life, yet he ought to be enabled to grant places for life, as they fell in. His Lordship moved, as an amendment, to insert words substantially, importing that the Regent should have no power to grant such places for life, as were on the first of November last, places during His Majesty's pleasure.

After some conversation between the Master of the Rolls, Lord North, and Mr. Chancellor Pitt, the latter arranged the amendment, so as to make it fall in naturally with the construction of the sentences of the clause. Lord North returned his thanks to the right honourable gentleman, for his arrangement, and the question on the amendment was put and negatived.

Lord North next suggested the propriety of an amendment, grounded on the probable circumstance, of the Regent's having occasion to appoint a Lord Chancellor, or a Lord Keeper. In that case, the Regent must necessarily look to high situations in the law, or to barristers in great practice, and as the place of a Lord Chancellor was precarious, from its being a political situation, it could not be expected, that any man would quit the bench, or the bar, without some security, in case of dismission from the office of holding the great seal, &c. Lord North enlarged much upon the point. He observed, that Judges held their offices, *quamdiū si bene gererint*, and that the place of a Lord Chancellor was properly during pleasure. What, therefore, he asked, could induce a Judge, who held his office for life, or a barrister who might get from five to seven thousand a year by his practice, to quit either for the great seals, which he might not perhaps hold for a fortnight, unless some security was afforded him by a reversionary office? he reminded the Committee, that the avowed principle on which it was declared a Regent ought to be appointed, was, that he should chuse his political servants, and surely it would be admitted, that a Lord Chancellor was as essential a political servant, as any other whatever. He declared, therefore, that he had prepared some words to come in by way of addition to the clause,

cause, but he did not think that a sufficient security, because, in case a place of reversion was given to a Lord Chancellor, upon either resignation or dismissal, the person who had held the seals, might be a considerable time without any provision. He therefore meant to move a clause, which, he was aware, must be proposed at the end of the bill, but which he thought it fair to state then, as it made an essential part of the consideration, that the Regent should be impowered to grant such person accepting the office of Lord Chancellor, a floating pension of 2700l. a year. His Lordship explained, that the reason of his taking the particular sum of 2700l. a year, was, because that was the sum allotted by Mr. Burke's bill, for the reform of the Civil List, to tellers of the Exchequer, in lieu of their emoluments heretofore. This his Lordship said, was a less sum than any lawyer and barrister of great business must quit, when he accepted of the place of Lord Chancellor. His Lordship added some further remarks, illustrative of his first amendment, and the clause that he meant, in a subsequent stage of the business to move; he concluded with intreating, that although it was, as he well knew, a small irregularity, that both the one and the other might be read, as they made a part of the same object.

The amendment, and the intended clause, were accordingly read by the Chairman.

Mr. Burke rose immediately, and made a short speech in relation to his own bill, the object of which he complained, had been frustrated by the conduct of those who had acted on a different system.

Mr.
Burke.

The Marquis of Graham objected to the amendment, and to the clause, because he conceived they tended to give the Regent a power beyond any that the Crown enjoyed. His Lordship very neatly and nervously explained the principles on which he grounded his opinion.

Marq.
Graham

Mr. Chancellor Pitt observed, that he believed it was not parliamentary to discuss, whether there was a certainty of finding a successor to the noble and learned Lord, who now held the great seals; he hoped so unfortunate a circumstance as the country's being in danger of being deprived of the assistance of so able a Minister was not likely to happen; certain he was, a fit successor could not easily be found. When this matter had been alluded to by the right honourable gentleman, who was absent, he had fairly stated what he thought to be the fact, that there ought to be the means of inducing a person fit to hold the office, to take the great seal. He was of the same opinion still, but he did not conceive the House ought to anticipate such a vacancy, and to provide for it before it happened. With regard to the sum of 2700l. a year, as the amount of a floating pension, to provide for

Mr.
Chancel
lor Pitt

the person who might be dismissed from the great seal, he thought it a fair proposal; but he objected to its being adopted, as part of the present bill, because he deemed it both premature and unnecessary. Whenever the occasion occurred, a bill might be brought in to provide for it, and he saw not the smallest objection that could be made to it; but if they agreed to it now, they would seem to anticipate a declaration of an opinion, that the Regent must necessarily have a new Chancellor, an event which he was persuaded would be seriously lamented by the country.

Ld. North Lord *North* observed, that he hoped, with the right honourable gentleman, there might be no occasion; but, he must say, that if the power was not put into the Regent's hands, they receded from their declaration of giving the Regent the power of chusing his political servants. His Lordship argued and maintained this point very ably, contending, that if upon a vacancy of the great seal, the matter was to be debated again in the House of Commons, it was breaking the corner stone of the plan, the foundation of which was, that the Regent, and not the Parliament, should have the choice of his political servants.

Mr. Chan- Mr. Chancellor *Pitt* replied, and persisted in his argument, **Mr. Pitt.** that the amendment was not necessary, as no objection could be made, when the occasion to apply to Parliament should be necessary.

Ld. North Lord *North* rose again, and contended, that it was, and had been usual, for Parliament to interfere with Ministry holding their places, by addressing the Crown, to remove certain Ministers from its councils, but it had never gone so far, as to advise the Crown to appoint A. B. or C. D. Ministers, and that, he contended, would in effect be the consequence of not adopting his amendment.

Mr. She- Mr. *Sheridan*, with great wit and acuteness, argued, that **idan.** what had fallen from the right honourable gentleman, amounted to a declaration, that he considered the present Lord Chancellor as thinking so highly of the successors of the existing Ministers, that he was willing to remain in office, notwithstanding his present co-partners were dismissed. He considered the right honourable gentleman's conduct, as a design to smooth the way to the Lord Chancellor's retreat, when necessary, and as providing for adding that noble Lord's strength, as long as he did remain in office, to that fortress, which, Mr. Sheridan said, he had before described, as the place of strength which the right honourable gentleman had provided for his own retreat. A variety of possible cases might occur, supposing the present Lord Chancellor was to continue in office,

office, and yet an occasion might offer, to induce him to quit his situation. Suppose there should be a vacancy in any distinguished office of the law. The office of the Master of the Rolls, for instance; and though a learned, respectable, and every way a qualified gentleman, should be proposed by the Minister, the Lord Chancellor should refuse the nomination, and should declare, that he would not ratify it, by putting the great seal to the commission. After a deal of resistance, and a full exemplification of the natural ferocity and sturdiness of his temper, and the possibility of its being signified, that he must either give way, or quit his situation, he might, in spite of his brutal bluntness, assent to the appointment; but, suppose he should not, or suppose, that by illnes, as at present, the Lord Chancellor was prevented attending his duty in the House of Lords, a vacancy might possibly be occasioned; who could the Regent's Administration procure for a successor, under the disability of the bill before the Committee? As to the right honourable gentleman, he had so often signified his departure from office, and taken leave of the House again and again, that it was wonderful he had not before signified the preference which the present Lord Chancellor gave his probable successors, in comparison with the present Ministers.

Mr. Chancellor Pitt said, the honourable gentleman had indulged himself in imputing words to him, which he had never spoken, and applying arguments which he had never uttered. The honourable gentleman contended that he had signified his departure from office. Surely, the honourable gentleman had a most perverse memory. His successors had been named to him, but he had never yet heard of the least circumstance which authorized him to declare that he was about to quit his place. When he did hear any thing like it, he should have much to say to that House, to express his acknowledgments for the support he had received, to confess his obligations to them, and to declare his hopes, that he should not quit his situation, avowing principles less worthy their regard and esteem, than he brought with him into office.

Mr. Sheridan observed, that the right honourable gentleman, he did not doubt, would make a fine speech at his exit from office, or, according to the vulgar expression, an excellent delivery of his last dying words and confession.

The Committee proceeded through the next clause, respecting the Dutchy of Lancaster.

The Chairman was then, on the motion of Mr. Chancellor Pitt, directed to report progress, and ask leave to sit again.

As

As soon as the House was resumed, Mr. Watson, the Chairman of the Committee, reported progress, and the Committee had leave to sit again. The House adjourned.

Monday, 9th of February.

A message was brought from the Lords, by Mr. Montagu and Mr. Leeds, two Masters in Chancery, to acquaint the Commons, that their Lordships had appointed the ensuing Monday, for taking into further consideration the trial of Governor Hastings.

Mr. Rolle. Mr. Rolle begged leave, previously to the motion for the order of the day, to call the attention of the House to a paper that he held in his hand, and which he would read to the House; Mr. Rolle then read it as follows:

“ Mr. Grey was very severe upon Mr. Rolle; without any reservation whatever, he charged the mover with motives devoid of honour and principle; such as no honest man would dare to do, or could justify.”

Mr. Rolle now added, that his motives for moving the amendment, which he had proposed on Saturday, were, because he considered that the clause in the bill did not attach to certain cases which might possibly happen. He saw no statute or act of Parliament, that guarded against the previous marriage of the Regent, and as such a circumstance would be improper, he wished to guard against any such possible case. The present bill, he conceived, would be an act of Parliament which did attach to a Regent’s marriage. He had wished, therefore, by establishing a precedent, to guard against any future misconception on the subject. His principal object was, to support the House of Brunswick, and to give the Prince, for whom he entertained a sincere respect, an opportunity of clearing up all doubts. When the honourable gentleman opposite to him had used violent epithets, in the course of his speech, as imputable to his motives, he had not thought that he was serious, but attributed them merely to the heat of debate; but, if upon cool reflection, the honourable gentleman should persist in those declarations, he should think them as uncandid and illiberal, as they were unjust.

Mr. Grey. Mr. Grey now rose, but was interrupted by the Speaker, who remarked, that it was with much pain that he had listened to the honourable gentleman, but he had really imagined, from what he had said in the early part of his speech, that he meant to have concluded with some motion. Nothing could be much more disorderly, than for any Member to allude to what had passed in debate upon a former day; but it was most disorderly to make what appeared in a newspaper, the subject of debate in that House. He begged, therefore

ore, that not a syllable more might be advanced, respecting what had fallen from the honourable gentleman.

Mr. Rolle was proceeding to declare, that his only motives were—

When Alderman Newnham rose instantly, and remarked, Mr. that if one gentleman had been heard, he hoped that another Alderman might receive permission to be heard. Newnham

The Speaker insisted, that such a disorderly conversation should not continue. The Speaker.

Mr. Chancellor Pitt rose next, and called for the order of Mr. Chancellor the day, which having been read accordingly, and Alderman Pitt, Watson having taken his seat at the table,

The twelfth clause was read by the Clerk.

Mr. Dempster desired, as he discovered by that clause, that Mr. the Prince of Wales was not to have any thing to do with Dempster. the personal estate of His Majesty, to know in what hands it was intended that it should remain entrusted?

Mr. Chancellor Pitt, answered, that the question which the right honourable gentleman had put, was, whether there was a positive provision? He could reply in the affirmative; for Pitt, yet, he knew not where that personal property was; but, if the King possessed it, it must be in the hands of a trustee.

Mr. Anstruther asked, who those trustees were. The Mr. Anstruther property might be squandered away. They did not know to whom to apply, or if they did, they might not be able to get at it. If they took care that the son should not embezzle that property, they ought to take care also that no other person should. Mr. Anstruther proposed a clause, appointing the Princes of the Blood, the Lord Chancellor, and the Chief Justices of the Court of King's Bench and Common Pleas, Trustees.

Mr. Chancellor Pitt said, as it was a separate clause, it Mr. Chancellor had better be offered at the end of the bill. Pitt.

Mr. Anstruther acceded to the proposition.

The thirteenth clause was read and carried, without any observation.

The fourteenth clause, providing for the payment of His Majesty's household, under the direction of Her Majesty, being read,

Sir James Erskine opposed it, as granting larger powers than were necessary to be granted; and that the expence of the household might be much decreased.

Mr. Chancellor Pitt observed, that some circumstances arising from His Majesty's situation, rather tended to increase than diminish the expence of some parts of the household.

Mr. Sheridan objected to the clause, as wholly unnecessary, and as tending to create a double government of the Queen, and in the Treasury.

Mr. Chancellor Pitt replied, that there would be no doubtful government, the Treasury having no more to do with the household, by the present clause, than to issue the sums ordered.

Mr. Burke maintained, that the clause might probably introduce, not only the subversion of the Act of Establishment of the Civil List, but the subversion of œconomy, as being calculated only for the purpose of providing for a favourite and necessary corps.

Mr. Chancellor Pitt intimated to the Committee, that messengers were attending from the Lords, for the purpose of receiving the message, and moved that the Committee should report progress.

This being immediately agreed to, the House was resumed, and the messengers called in.

The Lords had commanded the messengers to acquaint the House of Commons, that they would proceed further in the trial of Governor Hastings on the ensuing Monday.

The messengers being withdrawn,

Mr. Burke informed the House, that he understood a petition had been delivered by Mr. Hastings to the Lords, setting forth, that he had expended already in the course of the trial 30,000*l.* and prayed their Lordships to proceed with all speed to his trial. Mr. Burke expressed his readiness to proceed as speedily as possible to the issue of that, on which he considered his honour to be most solemnly pledged. He remarked, that the sum expended by the Public, in the course of the trial, was much less than had been stated to have been expended by Mr. Hastings, and concluded by observing, that he understood their Lordships only meant the trial should stand for Monday, *pro forma*, but that they did not intend to go into it on that day.

The House again resolved itself into a Committee on the adjourned debate on the fourteenth clause, Mr. Alderman Watson in the chair.

Mr. Powys moved, "That the clause be postponed," in which motion he was supported by Lord North, upon the ground of the propriety of deciding upon a subsequent clause first, which was the basis of the present.

This motion being persisted in, the Committee divided,

Ayes, 87; Noes, 132.

Majority 45, against its being postponed.

The clause was then put, and carried, without a division.

The fifteenth clause was put, and carried, without any conversation.

The sixteenth clause, relative to the privy purse of His Majesty, was next brought forward, and opposed by Mr. Dempster,

Dempster, Sir William Cunynghame, Mr. Burke, Sir William Molesworth, and Mr. Sheridan; and supported by Mr. Chancellor Pitt, Mr. Dundas, Sir James Johnstone, and Sir Benjamin Hammett.

It was opposed upon the ground of the impropriety of refusing to His Royal Highness the Prince of Wales, who was to support the dignity of the Crown, the power over the privy purse, amounting to 60,000l. per annum, out of which, by the clause, was to be taken 16,000l. and given to Her Majesty, for purposes unknown to Parliament, and the remainder to be improperly locked up from the Prince, and to be left, in case of His Majesty's indisposition continuing, to the disposition of Parliament.

It was supported, upon the ground of continuing His Majesty's benefactions, and upon the impropriety of seizing the moment of His Majesty's indisposition, to strip him of his property. The 16,000l. which had been said to be given to Her Majesty, for purposes unknown to Parliament, was explained in the following manner: 12,000l. was given to pay an established list of charities, settled by His Majesty; and the remaining 4000l. was to enable Her Majesty to continue His Majesty's benefactions to those persons who were not on the list, but who, she knew, received charity of His Majesty to that amount.

Sir William Molesworth remarked, that he did not mean to contend against the sum proposed to be taken from the money of His Majesty's privy purse, which was appropriated to the charities mentioned; but, not thinking it proper that the remainder should be kept from the Prince, he moved, as an amendment, to add the words, "and that the remainder shall be paid over to the Treasurer of the privy purse of the Regent."

Upon this amendment the Committee divided,

Ayes, 101; Noes, 156.

Majority 55 against the amendment.

The Solicitor General proposed an amendment, which was agreed to, and the clause was carried without any further objection.

The seventeenth clause was next read, vesting in Her Majesty the care of the King's person, and the government of the household.

Mr. Powys objected to that part of the clause which gave Her Majesty power over the household; and he condemned it as a division of power with the executive authority, which was unjustifiable and inadmissible. The power given to Her Majesty over the household, and the clause restraining the Regent from creating Peers, paved the way for the introduction of a dangerous control over the two Houses, and the

country, which was put into irresponsible hands. Mr. Powys concluded, by moving an amendment to the preamble of the clause, leaving it open for future revision.

Mr. Chancellor Pitt agreed to the amendment, and said, that in the course of the whole business before the House, one of the principles which he had always invariably maintained was, that the whole of the bill ought constantly to be kept open, and subject to the future revision and alteration of Parliament.

The question on the amendment being put and agreed to, it was inserted in the clause.

Sir Peter Burrell condemned the latter part of the clause, the patronage given by which, he said, was so loosely expressed, that it was impossible to ascertain the amount of it, and of which he conceived the House ought to be acquainted previously to their adopting the clause.

Mr. Chancellor Pitt begged leave to assure the honourable Baronet, that the whole amount of the salaries of the household, from the great officers at the head of the different departments, down to the most menial servants in any of the palaces, or the stables, was no more than 100,000l. per annum; out of which sum there was no more than about 30,000l. received for salaries by Members of the two Houses of Parliament; there were seven in the House of Commons, whose salaries amounted to about 4000l. and eighteen Lords in the other House, whose salaries amounted to about 26,000l. Such influence was not, in his opinion, likely hereafter to preclude any revision, or necessary alteration in the system proposed for the present emergency.

Sir Peter Burrell returned his thanks to the right honourable gentleman, for his explicit explanation.

Lord North observed that, in spite of every argument which had been advanced in support of such a doctrine, he could not yet perceive that it was a self-evident proposition, that all the officers of the household must be made subject to the control and nomination of the Committee of the King. He denied that it was a self-evident proposition; nor could he imagine that the Queen ought to have any power or control over any officers of the household, excepting only such of those officers as were, from their situation in the household, obliged to attend upon the King's person. The rest of the officers who could be of no service to the King's person, ought not, in his opinion, to be under the control of the Committee of the King, but ought to be annexed to the King's representative; to the person who actually exercised the Royal authority. Why could not the right honourable gentlemen try to separate the household? To separate the Regal office from the Royal prerogative seemed a difficult

difficult point ; but, to separate the grooms, the equerries, and the pages, from the Lord Chamberlain, the Lord Steward, and the Master of the Horse, had been deemed almost impracticable, and yet it was of the utmost consequence. He asked, which of the two evils was the greatest, and which was of the most consequence, and established the worst precedent ? The separating of the household, or the withholding from the Regent the source of that general influence which the Constitution had deemed necessary to be given to the Crown and to the executive power of the country : that general influence without which the Crown could not exercise its duties. In all general influence there was necessarily a degree of parliamentary and political influence ; but, he saw no harm in this, and yet this influence was treated as of very little consequence. The right honourable gentleman had acknowledged that eighteen Peers of Parliament belonged to the household. Did gentlemen consider that eighteen Peers voting on one side, made the difference of thirty-six on a division ; and was that nothing ? He did not say that a bad use would be made of that influence ; but, the withholding it from the person exercising the Royal authority, was contrary to the principles of the Constitution. It had been argued, that it would prove a comfort to a King to see his household about him ; yet, for his part, he could see no comfort which could accrue to His Majesty, during his illness, by having this power of his representative vested in other hands. Who would contend that His Majesty himself, when he recovered, would not revolt at such a principle ? He had not heard what single Royal duty was not expected from the Regent ; and therefore, if the Regent was to continue charged with the whole duties of a King, why was he to be curtailed in his prerogatives ? The consequences of introducing such a new principle into the Constitution, might, when His Majesty should be restored, disturb the peace of his reign. The Constitution annexed all the power of the Royal prerogatives to the Crown, because all this power was necessary. If it were not necessary, it was too much, and if too much, it was pernicious, and ought to be abolished. Might not, at a future period, that question be agitated in respect to the power of the Crown ? Might they not reason thus, and say, what is gained from the Crown is gained to the People ? No, His Majesty would say, " the Constitution gave me all the prerogatives, and my Government cannot stand without them." They might then answer, as the right honourable gentleman answered now, " Let your Majesty's Ministers act rightly, " and they will not want this patronage." With regard to the persons holding the great offices in the household at present, was it thought that their loss would be irreparable ?

Would it be so great a public misfortune for them to be changed, that they were to have their places secured to them? He did not mean to speak disrespectfully of the present officers of the household; but, he was confident that there might be found among the young nobility, many qualified to fill every one of their places. What were the qualifications to make an officer of the Court?—Good manners, politeness, breeding, and some degree of personal dignity. To fill an office about the Court, it was not necessary to serve an apprenticeship to it, as to an art or a craft. An officer of the Court might be said, generally speaking, to be like a poet, *nascitur non fit*. His situation might proceed oftener from his birth than his education. There were, therefore, many persons capable of it; and, as to the change of the household giving His Majesty pain, when he recovered, if it should give him a moment's uneasiness, it could be remedied immediately. No mischief could possibly arise from it. Lord North at length, addressing the Chairman by name, said, “ You, Mr. Watson, as a man who have been engaged in mercantile and commercial concerns, have heard, no doubt, often of a maxim of trade, which I heard of early in life; “ it was this: Take care of the pence, and the pounds will take care of themselves.” The meaning, his Lordship added, he conceived was, take care of small things, and they will enable you to secure the greater objects. But, it was said, it would secure the services of the present Ministers. That was, undoubtedly, a great object, but even gold might be bought too dear; and if a great rule of Government was to be sacrificed to any Ministers, he should be of opinion that Parliament and the Public paid a very dear price for such an acquisition.

Mr. Grosvenor observed that the greater part of the noble Lord's argument went to opposing the whole of the clause. The noble Lord had said, that all the powers of the Crown were necessary; he admitted that they were so, but the Committee ought to remember, that they were not going to make a King, but a Regent. Mr. Grosvenor declared, that he very deliberately considered the whole of the system contained in the bill, and was convinced that the entire conduct of the right honourable gentleman, and every part of his system, had been wise, distinct, discreet, prudent, and loyal. Had there remained in his mind any doubt upon either, that doubt would have been effectually removed by a speech which he had heard from a right honourable gentleman, who filled the chair, and who had, on one of the days, in the Committee on the State of the Nation, delivered his sentiments from the Treasury bench. Sounder argument and better reasoning he had never heard from any Member of that

that House. Every sentence which the right honourable gentleman has delivered, tended to strengthen and confirm him in the opinion that the steps taken by the two Houses in the arduous conjuncture occasioned by His Majesty's unfortunate illness, were legal and constitutional.

General Norton contended that the Lord Chamberlain, General Lord Steward, and the Master of the Horse, with the Lords of the Bedchamber, were the political servants of the Crown, and not the mere domestics of the King. The General stated the nature of their duties, which chiefly consisted in making a part of the pageantry that surrounded the King on public occasions. He thought those great officers, under the present unfortunate circumstances of His Majesty, contributed neither to the service nor to the comfort of the Sovereign, because they could have nothing to do near him. If it could be proved that they could, in any shape, add to his ease, or afford His Majesty the smallest degree of comfort, he was sure that the Public would cheerfully incur the expence of a new household for the Regent.

Mr. Wilbraham said that justly had it been remarked by a right honourable gentleman on the preceding Friday, that the whole House of Brunswick were excluded from the present bill. It was a most unaccountable exclusion. He declared that he saw no reason why Her Majesty should be the sole committee of the King's person. He thought that the Prince ought to have been joint committee with Her Majesty, and that would have removed much of the objection to which the clause was liable. But, if it were deemed improper that the Prince of Wales should have any share in the custody of His Majesty's person, what had the Duke of York done, that he should not have been named jointly with Her Majesty? He asked, whether the Duke of York had given such proofs of his want of zeal for his father, or such proofs of his want of filial affection, that he deserved to be passed by. Mr. Wilbraham also desired to know why the two brothers of the King, the Dukes of Gloucester and Cumberland, had been wholly unnoticed in the bill? He spoke particularly of the Duke of Gloucester, whom he described as having withdrawn himself from the politics and pleasures of this dissipated town, and given way in seclusion and in private to the affliction with which His Royal Highness's mind was overwhelmed, in consequence of the melancholy of his Royal brother.

Mr. Keene stated the number of officers in the household, declaring that they amounted to nearly one hundred and fifty; that many of them had places from eight to twelve hundred a year, up to sixteen and eighteen hundred a year; that several had places of four and five hundred a year, and

Mr.
Keene.

more still from sixty pounds a year to a hundred, a hundred and fifty, and two hundred. He spoke also of the influence arising from other circumstances in the household, and particularly exemplified the duty and the patronage of the Lord Chamberlain, in order to prove that he was an officer of state, and an officer possessing great weight and influence. When a foreign Minister left this country, he stated what the Lord Chamberlain's duty was, thereby proving that he was an officer absolutely necessary to be about the person of the King or his representative. Among the instances of his patronage, he spoke of the appointing the King's Chaplains, a favour often conferred on the Members of that House, by the nomination of their friends and relations; the appointment of the Exchequer Officers, the Yeomen of the Guard, the Gentlemen Ushers, and many others.

Mr. Chancellor Pitt asked, whether it was possible for gentlemen seriously to suppose that they could not invest the Regent with Royal dignity, but by depriving the King of every sort of dignity whatever? The grounds of objection to the clause were now stated to be that of parliamentary influence; a ground which he would venture to say it was wholly unusual to take broadly and openly in that House; because, whatever might have been gentlemen's private opinions respecting that particular kind of influence, it never had been avowed to be necessary to Government, till the Lords had thought proper to avow it that day. When it was said, that it was necessary to keep up the state and splendor of the Regent, by decorating him with those external marks of the Royal dignity, ought not the King's dignity to be kept by such marks? Ought they, in the earliest moments of His Majesty's illness, to be eager to strip him of every mark of dignity, in order to deck out the Regent with unnecessary powers? Mr. Pitt contended, that they ought not; but it was their duty to manifest that they had not forgotten the respect and reverence to a Sovereign, who had, throughout his reign, proved himself the father of his People. Gentlemen were aware that it was intended, at a fit opportunity, to provide for the Regent such an establishment, as should be adequate to distinguish him with a degree of state and dignity, which the exalted situation he was to fill rendered necessary for the honour of the nation.

Lord North. Lord North answered, that the right honourable gentleman seemed to reduce them to the alternative of giving the Regent the government of the country, without any part of the splendor, which of right belonged to the Royal authority, or of calling upon the Public to bear the burden of providing a new additional household for the Regent; an expence which the Public thought, perhaps, it had already provided for.

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The true way of supporting His Majesty's dignity, was by supporting that of his representative. With regard to the right honourable gentleman's charge against him, on the ground of his having avowed that the Regent ought to have the patronage of the household, for the sake of the parliamentary influence which accompanied it, he declared he had avowed no such doctrine, but had said, that the patronage of the household certainly gave some general, and, of course, parliamentary influence.

"Mr. Marsham observed that, on the present occasion, it was his duty to trouble the House with a few words, after the manner in which the right honourable gentleman had delivered his sentiments. He would affirm, that there were Members of Parliament under influence. He reminded the Committee, how often they had attempted, by various bills, to prevent persons holding places, from having seats in that House; and it was no reflection on the persons so disqualified. He instanced the Excise and Customs, in which every person enjoying a salary of four or five hundred a year, was, by act of Parliament, rendered incapable of a seat in that House. With regard to the influence resulting from the patronage of the King's household, if the right honourable gentleman would add to it the weight of influence arising from the Members of the two Houses holding places in the household of the Queen, and would put the parliamentary influence of the two households together, he would find that the number would be nearer sixty than thirty. He was one of those who had gone with one of the restrictions, and that was the restriction which prevented the Regent from making Peers. He thought that, under the present circumstance of the temporary illness of His Majesty, a very right restriction. With regard to the imposing an additional burden on the People, by establishing a new household for the Regent, he declared that he could never vote in favour of such a proposition. He reminded the Committee of the unexampled amount and weight of the taxes at present, and spoke in terms of great praise of the patience with which the people bore them. He asked, if there ever had been in that country, a war concluded without a single tax being taken off? Most assuredly there had not. Why then should the People be additionally burdened, when there was an useless household existing already, at least as far as regarded the great officers of it, who were officers of state merely, and never called for, but when the King came to Court, and appeared in all his splendor? points of view in which he could not be seen at present. Mr. Marsham conjured the Committee to manifest a wish not to insult the sufficiently loaded People, and take advantage of their patience.

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Mr. Powys. Mr. Powys reprobated the proposition stated by the right honourable gentleman, declaring that he would oppose the motion for a new household, whenever it should be brought forward.

Mr. Sheridan. Mr. Sheridan having remarked, that if the right honourable gentleman was in earnest in his proposition, they might effect a division in the household, as proposed by the noble Lord near him, added, that whilst the right honourable gentleman was throwing out jealousies and insults against another person, he was assuming the highest degree of confidence to himself, by expecting that it was to be believed explicitly, that he would make no use of the parliamentary influence he was providing to support him out of office. The right honourable gentleman had termed the Lord Steward, the Master of the Horse, and the Lord Chamberlain, on a former occasion, the menial servants of the King, like those to be found in the families of most Noblemen. Was there any truth in this comparison? Had the menial servants of Noblemen any public duties? and would it be contended, that the great officers of the household had not very high and important public duties? These were, and had ever been, considered as the great officers of the Crown; and that they had been so deemed, was evident from an act passed in the reign of Henry VIII. to which he referred. Having read the extract, Mr. Sheridan took notice of Mr. Grosvenor's declaration, that the House had not, thank Heaven, a King to make! He said, were he not aware that the honourable gentleman was a friend to the Monarchy, he should have thought that the language of a republican, who wished to shake the Monarchy, and introduce another form of Government. Under the idea of affection to the King, they were endeavouring to subvert the Royal prerogative. Let those gentlemen separate the personal idea of a King from a Monarchy, and they would see what a blow had been aimed at the Monarchy. Was it nothing to have been without the representative of a King for almost four months, during which time the arm of Government had remained inanimate. The right honourable gentleman having represented His Majesty as destitute of dignity, unless he had the white staves with him, was a libel on His Majesty's feelings as a father and a King, and argued that he was destitute of the dignified sentiments which ought to inspire the one character, and the tender affection which should fill the breast of the other. If His Majesty reigned in the hearts of his People, and it was true that he did, it was the less necessary that his calamity should be contrasted with the appearance of grandeur, an ostentatious parade he made of disease, and the melancholy situation of His Majesty rendered indeed more

public and more distressing. Mr. Sheridan reprobated the idea of gorgeously decorating the bed of sickness, and loading it with Regal trappings, the more mortifyingly to expose the wretched state of a sick King. He condemned the idea of the Queen's having the power to change the officers of the household in her own name, observing, that they had been appointed in His Majesty's name. If it was necessary to keep the household remaining, the places ought to be put in a state of suspension and abeyance, during the continuance of His Majesty's unhappy malady, and the words "salary, profits, and emoluments," left out of the clause. He spoke of the indecency of the officers of the household coming down to that House, and voting their own salaries, when they were conscious it was not likely for them to be called upon to do any duty. He noticed the declaration of Mr. Chancellor Pitt to make new establishments for the Regent. He asked how the right honourable gentleman could dare to suggest such an idea, after having heard the declaration, from authority, that the Prince of Wales desired to have no such establishment created as should cause fresh burdens to be laid on the People? Did the right honourable gentleman mean not to leave the Prince the free will to refuse the establishment, if offered? Had he forgotten what he had heard upon the subject from his right honourable friend? The right honourable gentleman must, he said, have a pretty considerable share of presumption in taking it for granted, that the King, on his recovery, would be pleased to bear that a new tax had been imposed on his People. He believed His Majesty would consider it as the most fatal consequence of his illness, if it had caused his subjects to sustain an addition to the burdens under which they already laboured.

Mr. *M. Montague* considered the idea of the Queen's obstructing the Government of her own son, as most unnatural and improbable. He spoke of the Queen's high character and moderation hitherto, and declared that politics must be a strange science, so totally to obstruct every feeling of parental regard and maternal affection.

Sir *William Dolben* contended, that the Regent having the office and duties of a King, should also have some of the patronage of the Crown; and yet, he added, that he did not feel himself disposed to submit to the assertion that the officers of the household were the political servants of the Crown. The superior officers might, Sir William thought, very properly attend the Regent; and if there were any dismissions, they ought to be in the name of Her Majesty; but, the supply of the vacancies should be in the Regent. He conceived that there was as much patronage annexed to the Re-

gency as ought to belong to it. He was aware, that there were many claimants for the loaves and fishes; that some would faint by the road-side, and others the Prince would be forced to send empty away; but then, he would have many vacancies to fill, and more would fall in every day.

Mr. Burke Mr. *Burke* having premised that the House was almost exhausted, and that his power of engaging their attention was almost exhausted likewise, though the subject was by no means exhausted, remarked that he would, therefore, for the present, only say a few words on the astonishing assertions of the right honourable gentleman. To justify that panegyric on the Sovereign which the right honourable gentleman had pronounced, he was called upon to bring him forth as a pageant, dressed up with useless splendor and degrading dignity, to serve the purposes of ambitious men. The right honourable gentleman had asked, would they strip the King of every mark of Royalty, and transfer all the dignities of the Crown to another person? No, Heaven forbid, when the person wearing the crown could lend a grace to those dignities, and derive a lustre from the splendor of his household. But, did they recollect that they were talking of a sick King, of a Monarch smitten by the hand of Omnipotence, and that the Almighty had hurled him from his throne, and plunged him into a condition which drew down upon him the pity of the meanest peasant in his kingdom—

Mr. Burke was called to order by the other side of the House.

Marq. of Graham. The Marquis of *Graham* rose, and said, that neither the right honourable gentleman, nor any other man in that House, should dare to say the King was hurled from his throne.

There being a general cry of "Take down his words,"

Mr. Burke Mr. *Burke* rose again, and as soon as he had obtained a hearing, said, he would give gentlemen a full opportunity of taking down his words. He declared that he had been interrupted in the midst of a sentence, and that scripture itself, so maimed and mangled, might be rendered blasphemy. But when it was said in their churches, that the King was afflicted for their sins, should it not be said, that he was struck by the hand of God. At a time when they were putting up their prayers in their temples to Heaven to restore the King, prostrating themselves before the Deity, and declaring that it was in punishment of their iniquities that the Sovereign was taken ill, which he thought had better not have been said, should he not have liberty to declare that Omnipotence had smitten His Majesty? His illness was caused by no act of theirs; but ought they, at that hour of sickness and calamity, to clothe his bed with purple? Ought they to make a mockery of him, putting a crown of thorns on his head, a

held in his hand, and dressing him in a raiment of purple, to cry, "Hail ! King of the British !" Mr. Burke censured the idea of giving the powers of the Crown to one person, and its patronage to another ; because, at a moment like that, every precaution should be taken to preserve the safety of the Constitution, and the lustre of the Royal dignity unimpaired : but, was that the way to effect it ? As the right honourable gentleman had planned the business, the Government would be weak, enervated, and altogether destitute of dignity ; there would be no mark of Royalty about the Regent for Ambassadors to observe, and thence the country would stand degraded and sunk in the eyes of all Europe, and, however we might pass it over, and put up with the inconvenience among ourselves here at home, the impression given of our Government abroad was highly material. How would the King, on his recovery, be pleased at seeing the patronage of the household taken from the Prince of Wales, his representative, and given to the Queen ? He must be shocked at the idea, unless they supposed, what it was monstrous to suppose, that the King was a good husband and a bad father. An honourable gentleman had said, that they were not going to make a King. He was afraid they were. It was meant that the person who should represent His Majesty, should not have the attendance which ought to accompany Royalty. When had such a project been ever before practised as a separation of the Royal dignity from the Regal office ? He put the case of a minor King, of seventeen years, and said, in that case, would not a Regent be provided and invested with all the Royal dignity of a King ? He referred to the Regency bills in the reign of George the Second, and the Regency bill passed in the present reign, and argued from both, contending, that in both, the full powers were given. He maintained also, that the Royal family were noticed in each, whereas they were totally excluded from the present bill, and power of an enormous magnitude was taken out of the hands of the King's eldest son, and put into the hands of a person not of His Majesty's blood. The Regent was tied up from making Peers ; he was debarred from granting pensions and offices ; he was restrained from exercising charities, bestowing bounties, or doing any one grateful office which served as a balance against the dreadful attributes of Sovereignty. Where was he to get money to distribute bounties ? Was he to take it out of his own privy purse, or the receipts of the little paltry Dutchy of Lancaster ? To the Queen the House proposed to be prodigal ; to the Heir Apparent they had not given the least dignity in the world. What were they then doing ? They were about to give a *mock crown*, a tinsel robe, and a sceptre from the theatre,

lackered over, and unreal; and, at the same time, they rendered it necessary to tax the People, so that the Prince's name should never be mentioned without some recollection which must excite unpopularity. The right honourable gentleman was to have 300,000*l.* influence when he went out. The right honourable gentleman thought the Prince might do without influence, although he knew that he could not do without it himself. In former times, the way to popularity was by standing up in defence of the liberties of the People, but the right honourable gentleman was born for the age in which he lived; he took another road; his first object was, by some means or other, to get Court favour, and having obtained indirectly a degree of power, he thought to gain popularity afterwards, if he could. The right honourable gentleman had contrived the bill to fortify himself when out of office. The separation of power from Royalty must destroy the representation of this country, or the Queen's Government must destroy the Regent's. His Majesty might continue ill for twenty years, and then, what a state of anarchy, disunion, and difficulty, the divided Government they were setting up, would create! By depriving the Regent of the power of making Peers, they had shut the door of the House of Lords against the People. They had put it out of their own power ever to correct their error, and made the House of Lords the great, independent, and omnipotent branch of the Legislature.

Mr. Chancellor Pitt observed, that in the right honourable gentleman's speech, he seemed rather to have addressed him personally, than endeavoured to argue the clause in question. The right honourable gentleman appeared to think that his going out of office, was a point of greater importance than any thing contained in the clause under consideration. The right honourable gentleman had charged him with having told the House he was going out of office; the fact was, he never had told them any such thing, nor did he know that he was to go out. But, so far was he from having ever said he was to go out, that a right honourable gentleman, not then present, had, on an early day in the course of their discussions, told him, in a way peculiarly marked and expressive, that he and his friends were to be his successors, when he had in reply stated, that from the opinion he entertained of the principles of those, who, it was said, were to be his successors, an opinion founded in his knowledge of their former conduct, he thought it the more necessary to pursue the system of measures that he was recommending, and that he had made that very declaration an argument in support of the measures themselves. When the Prince of Wales was declared Regent, Mr. Chancellor Pitt said, he supposed

upposed His Royal Highness would keep him, and the rest of His Majesty's servants, in office, or he would chuse other servants, according to his own ideas of what would be most advantageous for the country. Whether he staid in, or went out, he should endeavour to be instrumental in being of service to his country. The next argument the right honourable gentleman had resorted to, by way of charge against him, was neither more nor less than a direct fiction, because the right honourable gentleman had chosen to say, that he was to have a connection with the power placed in the Queen's hands; an assertion which was a fiction, as he most undoubtedly was to have no such connection. Another matter the right honourable gentleman had repeatedly mentioned, though he had been again and again answered, and that was, that the amount of the patronage was 300,000l. a year. The right honourable gentleman did not know the civil list, if he said the offices amounted to 300,000l. a year. The sum did not amount altogether to much above 200,000l. and in that sum was included all the approved tradesmen's bills, amounting to near half the money, and which had no connection whatever with political or parliamentary influence. Mr. Pitt defended himself from having, in his opening, called the Lord Chamberlain, the Lord Steward, and the Master of the Horse, the menial servants of the Crown, and said, it was the very term bestowed on those officers by the right honourable gentleman in his own bill, for the reform of the civil list. [This appearing to be doubted by Mr. Sheridan and some of the gentlemen on the other side of the House, Mr. Pitt begged leave to refer them to the bill in question.] He desired Mr. Sheridan to give him his attention, while he answered one part of his speech. He then took notice of Mr. Sheridan's assertion, that the best way to support Royalty, was to separate the person of the King from every Royal dignity. He denied that His Majesty was at present in an humiliating condition; instead of his state being low, abject, and degrading, as the right honourable gentleman had described it, it was very much the contrary. His present visitation of sickness had excited in his subjects something more than the loyalty they always paid him; it had roused in the hearts of His Majesty's People a greater fervor of affection, which was blended with a degree of grief and compassion, that partook of veneration and respect. Mr. Pitt asked, if that House would so far forget heir duty and their allegiance, as to strip His Majesty of every mark of Royalty and of dignity, in order to give that which belonged properly to their rightful Sovereign to the Legent? He begged to be informed, if there was no other way of providing for the state and splendor which ought to

attach

attach to the office of Regent of the kingdom? most undoubtedly there was; and it was well known, that at a ~~time~~ time, that establishment would be proposed; but the honourable gentleman had thought proper to say, that notice had been given from authority, that His Royal Highness would not accept of any establishment which should lay an additional burthen on the People. The utmost account of the incomes of those officers of the household, who were in the two Houses of Parliament, was no more than 30,000. a year, one fourth of which was paid back again in tax. He was persuaded when it should hereafter be necessary to submit to His Royal Highness, that Parliament had thought an establishment proper to keep up the splendor and dignity of his office, as well for the sake of the national character, as his own honour; neither His Royal Highness would object to it, nor would the People murmur at being called on to provide for a purpose so necessary and so proper.

Mr. Sheridan. Mr. *Sheridan* complained that the right honourable gentlemen had, in a very extraordinary mode perverted his argument. The right honourable gentlemen had, he observed, said formerly, that he would at a future time answer the arguments of gentlemen, and that they should have abundant opportunities of discussing and debating every part of the subject; but since the bill had come on, the right honourable gentlemen not only never mentioned any of those arguments which he had formerly reserved, as it were, to answer at a future time; but when new matter was advanced in debate, had dryly declared, that nothing had been said but what they had before heard, and therefore he would not take up the time of the House with a reply. This was a pleasant way of avoiding to combat arguments which could not be answered, as ever he had heard of. The right honourable gentlemen had perverted his argument strangely, by saying that he had stated, that separating all the Royal dignities from the person of the King, was the best way of supporting the dignity of the Crown. Mr. Sheridan denied that he had argued in that manner. His argument was, that all which had been given in support of the state and dignity of the Crown, ought to be annexed to the person exercising the Royal authority, and not to the King, confined to a bed of sickness, and incapable of exercising the functions of the Kingly office. So to annex that part of the household, from which His Majesty could in his present condition, derive neither use, nor honour, nor dignity, was a greater mockery than it was a compliment. Mr. Sheridan took notice of the allusion to the speech of his right honourable friend made by the Chancellor of the Exchequer, and said

said, that allusion had been incorrectly stated, as all allusions to speeches delivered at a certain preceding period, and in the absence of those who delivered them, generally were. He took notice of Mr. Dundas's declaration of Saturday, that he lamented his right honourable friend's absence, and informed the Committee, that his right honourable friend's health was greatly better, and that he had been very near being present at that debate, having been struck with astonishment at that most extraordinary clause of the Bill, which provides for His Majesty's resuming his Royal authority. With regard to the sum of 300,000l. which his other right honourable friend had said was the amount of the patronage of the household, the right honourable gentleman over the way had denied, that it amounted to so much; but the Committee would recollect, that the right honourable gentleman had told them, first, that it amounted only to 100,000l. a year, and in his last speech he had acknowledged, that it amounted to more than 200,000l. a year. The right honourable gentleman had averred, that more than one half of that sum consisted of the approved bills of tradesmen, which had nothing to do with parliamentary influence. He denied the fact to be so. He could easily see how great a degree of parliamentary influence arose out of those bills. Was there never such a thing as a Westminster election? Would the right honourable gentleman, with that orange cape to his coat, take upon him to declare, that no parliamentary influence could be exercised through the medium of the tradesmen of the household, at such an election? Mr. Sheridan contended, that both at an election, and in various ways, influence would result from the tradesmen's bills, as well as from the officers of admitted importance in the household. With regard to the latter, the case was clear; for, to whom were those persons to look for the maintenance of their situations, but to those who conferred those situations on them? Mr. Sheridan added, that he should move an amendment, to fulfil the idea of the noble Lord near him, of separating those officers of the household, who were merely officers of state. Mr. Sheridan, with this view, moved to annex some words to the clause, purporting to empower Her Majesty to have the direction and control over such officers of the household, as should be deemed necessary to attend about His Majesty's Royal person.

The amendment was no sooner read by the Chairman, than

Mr. Chancellor Pitt objected to it, because it was inconsistent with the principles on which they argued, and with the mode of proceeding. It was, he believed, the first time that

that an amendment, couched in such general terms, was in a Committee on a bill. If the amendment were agreed to, it would be necessary to move an additional clause, plain to what the general words of the amendment referred.

Mr. Sheridan. Mr. *Sheridan* answered, that undoubtedly another would be necessary, which he meant to move at the time, and nothing would prove more easy, than to rectify the Civil List, and from that specify such officers of the Household, as would be proper to be put under the protection of the Queen, because they would be necessary attending on the King's person. Mr. *Sheridan* observed, that the clause of the bill naturally led to such an amendment as he had proposed; and, as an argument in proof of its propriety, remarked, that by the bill, the Queen having the power of appointing and discharging the officers of the Household, they would be her officers, and not the King's; and as she was not obliged to fill up vacancies, though she had the power of doing so, great inconveniences might arise, of her not filling up vacancies. Suppose, for instance, the office of Lord High Steward should be vacant, and the Queen were not to fill it up, who would there be to swear in Parliament, granting such an event to take place?

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* observed, that if one Lord Steward *Pitt* should die, or be dismissed, the Queen would undoubtless appoint another; or if there should be no Lord Steward, there could not be any great difficulty in providing for the office in the Parliament.

Mr. M. A. Taylor. The Committee being clamorous for the question, Mr. *M. A. Taylor* called upon the Chairman to call for the question, and preserve order, since every gentleman, who chose to liver his sentiments, had an undoubted right to be heard. The question of so much importance to the community large. If gentlemen were impatient and fatigued, Mr. *Taylor* said, easy to move the question of adjournment.

Mr. Burke. Mr. *Burke* rose, to state some circumstances of misfortune, which, he said, it had been his fate to experience at the hands of Mr. Chancellor *Pitt*. The Committee, however, still calling for the question, Mr. *Burke* sat down.

Lord *George Cavendish* observed, that he had always considered the officers of the Household to be officers of the Crown, attached more to the dignity of the Crown, than the household of the King. With regard to the appointment of the Household for the Regent, he must object to any such position, because he was against all unnecessary expense. He thought that the officers of the King's Household

to attend the Regent, and add to his state and splendor, and if they did not, they ought not to receive their salaries, during the continuance of the King's illness, because, at the present they could have no employment, but were a parcel of unnecessary officers, who were fattening like drones in a hive.

At length the Committee divided on Mr. Sheridan's amendment. Ayes, 118; noes, 173.

The question was then put on the original clause, and carried.

The Chairman was next directed to report progress, and ask leave to sit again, which he did as soon as the House was resumed.

The House adjourned.

Tuesday, 10th of February.

Mr. Chancellor Pitt moved the order of the day, for the House resolving itself into a Committee of the whole House, on the farther consideration of the bill, for providing for the safety of His Majesty's person, and for the exercise of the Royal authority.

The order of the day being read, and the House resolved into a Committee accordingly, Mr. Alderman Watson in the chair, the following clause was read :

" And whereas the execution of the weighty and arduous trusts, hereby committed to the Queen's most excellent Majesty, in respect of the care of His Majesty's Royal person, and of the disposing, ordering, and managing of all matters and things relating thereto, may require the assistance of a Council, with whom Her Majesty may consult and advise, in the discharge of the same: be it therefore enacted, by the authority aforesaid, that, in order to assist and advise her said most excellent Majesty, in the several matters aforesaid, there shall be, during the continuance of His Majesty's illness, a council, consisting of Which Council shall, from time to time, meet as Her Majesty shall be pleased to direct; and, if it should happen that any of them, the said should depart this life, then, and in such case, it shall be lawful for the Queen's most excellent Majesty, by an instrument in writing, signed and sealed by Her Majesty, revocable at her will and pleasure, to nominate and appoint some one person, being, or having been a Member of one of His Majesty's most honourable Privy Council, to be a Member of the said council, to advise and assist Her Majesty, in the room and place of each and every of the said Counsellors so departing this life; which nomination and appointment shall be forthwith certified by an instrument

“ writing, signed and sealed by Her Majesty, to the Lords
“ of His Majesty’s most honourable Privy Council, and
“ shall be entered in the books thereof.”

Mr. Chancellor Pitt now observed that he must beg leave to trespass upon the attention of the Committee for the purpose of proposing to fill up the first blank, with the names of such persons as the House might think proper to nominate, to assist Her Majesty in the trust appointed her for the care of His Majesty’s person. It would be necessary to put the question singly on each person proposed; but, for the satisfaction of the House, he would, previous to his putting any single name, submit to the House the whole of the names which he meant to propose to fill up the blank. He meant to propose the heads of the different departments over which Her Majesty was to have control. Those persons, he had no doubt, would be admitted to be exceedingly proper; but, as it might appear necessary to have other great and important persons to assist Her Majesty, it was natural to look to the heads of the church and the law. The persons whom he should, therefore, submit to the Committee as proper to be of Her Majesty’s council, were the two heads of the church, the Archbishops of Canterbury and York; and the heads of the law, Lord Thurlow (the Lord Chancellor) and Lord Kenyon (the Chief Justice of the King’s Bench.) These persons, in addition to the respect of their high situations, had been approved by His Majesty, and no persons, he conceived, were more proper to be appointed of Her Majesty’s council, than those who had been approved of by His Majesty for their ability, and for their integrity. In addition to those respectable persons, he should have to mention the four officers at the head of the departments of the household for the time being: the Lord Chamberlain, the Lord Steward, the Master of the Horse, and the Groom of the Stole. His first motion, therefore, would be, “ That John, Lord Archbishop of Canterbury, be one of Her Majesty’s council.”

The question being put,

Lord North rising observed, that he was far from harbouring the most distant intention of opposing the nomination of that respectable Prelate as one of Her Majesty’s council. The point to which he should allude was of the first importance. He had expected that on opening the subject, the right honourable gentleman would not have omitted those who were nearest in blood and affection to His and to Her Majesty. If the House should agree with him, that an insertion ought to have been made of the Princes of the Blood, he would make a motion for such a purpose. It seemed proper, if not indispensable, to name His Majesty’s sons, the

Princes

Princes who were of full age, and his Royal brothers. They were the nearest to His Majesty, and the persons (he should think) whom Her Majesty would choose to have for advisers. There were several reasons why the Princes of the Blood ought to be of the Queen's council. It was a council not to control, but to advise Her Majesty. The clause also provided for the death of the person properst to have the care of His Majesty, in which case the power was to devolve on her council. This appeared an additional reason to mix some of the Princes of the Blood in the council. Lord North adverted to the different mode proposed to appoint Her Majesty's council, four being appointed by name, and the other four by virtue of their offices, in which last manner, he contended, that they all ought to be appointed. With respect to those proposed, he thought them proper; but, why should the right honourable gentleman think a Groom of the Stole, a Lord Chamberlain, a Lord High Steward, and a Master of the Horse, were counsellors by virtue of their offices? His Majesty had certainly appointed Viscount Weymouth to the first of these offices; he had given a Lord Chamberlain's staff to the Earl of Salisbury; a Lord Steward's staff to the Duke of Chandos; and made the Duke of Montague Master of the Horse; but did those appointments peculiarly qualify them for counsellors? Seeing, therefore, no reason which could be adduced against the insertion of the names of the Princes of the Blood, he gave notice, that when the persons proposed by the right honourable gentleman should be disposed of, he would move for the insertion of the names of Frederick, Duke of York, and the other Princes of the Blood.

Mr. Chancellor *Pitt* answered, that he should, for the present refrain from stating his objections to the noble Lord's *cellor* *Pi* proposition.

Mr. *Dempster* declared himself not satisfied with the nomination; considering the members of that House as much interested, and as ardently wishing for the recovery of His Majesty as any courtier; he was amazed that the Speaker of that House and the Lord Mayor of London, for the time being, should have been omitted, and he signified his intention of proposing the insertion of those officers.

Lord *Maitland* regarded the omission of the Chief Justice of the Common Pleas as very extraordinary. In whom had His Majesty placed greater confidence? He suspected that the right honourable gentleman was influenced by politics in the choice of persons to fill Her Majesty's council. Such a conduct, on the present question, he considered to be disgraceful to the two Houses, and he hoped that they would not be influenced by such considerations. He called upon

the right honourable gentleman for the reason of omitting the Chief Justice of the Common Pleas, and for appointing the Archbishops of York and Canterbury, and the Lord Chancellor, and the Chief Justice by name, and the other four officially.

Sir Peter Burrell:

Sir *Peter Burrell* wished to know, as there were but eight counsellors provided for Her Majesty, whether she was to have the casting vote? He also wished to know why four of the council were to be permanent, and the other four left to the nomination and removal of Her Majesty?

Marquis Graham:

The Marquis of *Graham* answered, that this was a Council of Advice, not of Control. The Queen needed no casting vote, and it was at her option whether she would take or reject the advice her council gave her. In answer to the proposition for introducing into the council Princes of the Blood, he said that there appeared to him a clear line for their exclusion. They were so connected with that great personage by the ties of affection, that they would be at all times ready to give their advice; and they could give it without responsibility. It would, therefore, be improper to appoint them to responsible situations, making them liable to be brought to the bar of that House and examined, when other persons of great abilities, and learned in the law, could be found to occupy those responsible situations. In answer to the proposition for admitting the Chief Justice of the Common Pleas, he remarked that he knew not where they were to stop, if every man wise and great enough for this council was to be a member of it; they might appoint more members for such a council than formed the House of Commons. The Marquis, in the course of his speech, alluded to Mr. M. A. Taylor, by saying, he knew not whether he was still to call him the learned gentleman, since he understood he had quitted his profession.

Mr. Sheridan:

Mr. *Sheridan* considered the proposition of the right honourable gentleman as unnatural and unprecedented. It had been urged by the noble Marquis that the Princes of the Blood could give their advice to Her Majesty without being appointed of the council; but their advice, however good, might be useless, because they were not of the council, without the majority of which Her Majesty could not act upon the most important occasion; the restoration of His Majesty to his government. It could be no degradation to the Princes of the Blood to be put into a responsible situation, when the first Prince of the Blood, the Prince of Wales, was appointed to a place of great trust and responsibility. He considered Her Majesty's sons and the King's brothers to be her most proper and natural advisers, and he deprecated the measures proposed by the right honourable gentleman as tending

ending cause Parliament to infuse into Her Majesty a suspicion that her sons were not the proper persons to counsele, which was an outrage on the feelings of nature. He concluded by hoping that the noble Lord's proposition would be agreed to, and that the House would not go along with the right honourable gentleman in objecting to the insertion of the names of the Princes of the Blood.

Mr. *M. A. Taylor* objected to the four members of the Mr. M. A. household being members of the council. He had no objection to Lord Thurlow's being one of the council, but he objected to his being appointed by name, thinking that it ought to stand the Lord Chancellor for the time being. He objected to the Lords of the Household, because they were under the nomination of the Queen, who ought to have independant advisers. The Lords of the Household could not be independant advisers, being removable at the Queen's pleasure. He declared that he was anxious to have the blanks filled up with the names of the Lord Chancellor, the Chief Justices of the King's Bench and Common Pleas, the two Archbishops, and the Speaker of the House of Commons, for the time being. He wished success to the noble Lord's proposition for including the Princes of the Blood, considering them the most natural, the most proper, and disinterested advisers of Her Majesty, and declaring that he did not believe the Royal Family had ever been left out of a Regency bill before. He should conceive himself ill treated if he were the second son of a gentleman (whether born to a fortune, or none, it did not alter the argument) and he were not, under such circumstances as those of His Majesty's indisposition, called in to take his share of the care of his father. He considered it as impossible that a son should be so base as, upon such an awful occasion, to give his mother wrong advice. In conclusion, Mr. Taylor observed, that whether he had left his profession or not, he said, he was still entitled to the address, which was usually made in that House to men of the legal profession.

Colonel *Phipps* considered the persons named, to be the Colonels most proper to be appointed of Her Majesty's Council, four of *Phipps*. them being to be permanent, having been chosen by His Majesty for their ability and integrity, and by himself placed about his Royal person, and the other four removable by Her Majesty at her pleasure. He wished to know upon what principle Her Majesty was to be deprived of the choice of her own counsellors; and he contended, that, if the House agreed to suffer a Lord Chancellor for the time being, who was to be appointed by the Regent, to be of Her Majesty's council, the trust reposed in her would prove mockery, and they would reduce Her Majesty to the necessity

cessity of either no advisers at all, or to have the advisers of the Regent.

The Chairman called the attention of the Committee to the question before them, which was, whether John Lord Archbishop of Canterbury should be appointed a Counsellor to Her Majesty?

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* believed that the worthy Alderman was right in the point of order; but, as the true object of order was to save time and shorten their proceedings, perhaps, it would be most adviseable to go into the whole subject at once. He conceived that it would be strictly orderly, if the noble Lord thought proper, to propose at present to name the Duke of York, and move to postpone the name of the Archbishop of Canterbury, which would bring the whole subject under discussion.

Lord North. Lord *North* declared that he was willing, immediately, to propose the names of the Princes of the Blood, and should move that name of the Archbishop of Canterbury be postponed, in order to move that the Duke of York should be inserted, by which means the Committee could at once enter into the debate on the general formation of the council.

Mr. Sumner. Mr. *Sumner* conceived it improper that the names of their Royal Highnesses should be proposed, without their having been previously consulted, especially as they had objected to their names being inserted in the Commission.

Lord North. Lord *North* answered that he should have thought himself very presumptuous if he had proposed the names of their Royal Highnesses without having previously communicated with them on the subject, and learnt that they had no objection to his making the motions that he had proposed.

Mr. Sheridan. Mr. *Sheridan* said, in order to shorten the debate, would it not be better for the right honourable gentleman to withdraw his motion?

Mr. Bouverie. Mr. *Bouverie* wished to know whether the council were to be responsible for their advice?

Mr. M. A. Taylor. Mr. *M. A. Taylor* observed that as no learned gentleman rose to answer the question of his honourable friend, he would inform him, that according to the clause, they were not responsible.

Mr. Addison. Mr. *Addington* said they were clearly responsible, being obliged to take an oath of office. If, therefore, a suspicion existed of their having given Her Majesty improper advice, they would be liable to impeachment.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* remarked that they had used more time in discussing the question of order, than the debate would have occupied. They were then in danger of two debates going on under the form of one: perhaps, therefore,

it would, upon second thought, be better for him to recur to his first mode of proceeding, and put the question regularly, on the eight names which he had stated, before the noble Lord's motion was let in.

Mr. Bouverie said the honourable gentleman over the way had fairly answered his question, but he did not understand how there could be a responsibility, without a power to call to account. Mr. Bouverie objected to the word "John," in the motion, and said he would move to have the Arch-bishop of Canterbury for the time being, appointed.

Mr. Powys thought the preliminary debate useful, and asserted the necessity of considering the powers and responsibility of the council, previous to the appointment of those who were to form it. He wished to know from the right honourable gentleman, if convenient, in what manner, and to what extent the responsibility attached to the council.

Mr.
Powys.

Mr. Chancellor Pitt answered, that it was not at all inconvenient to him to give a perfect reply to whatsoever question was asked. No trust could be created by any means affecting the public interest, or could exist, without public responsibility. According to every principle of the constitution, every trust appointed under Government had responsibility attached to it when called upon by the country. Whatever advice the council should give to Her Majesty, they would become responsible for such advice; and if the House should see sufficient reason to think that by such advice either His Majesty, or the constitution was in danger, they had the same power to enquire who were the advisers, and call Her Majesty's counsellors to account, as they had to call on the officers of Government.

The Attorney General observed, that the House were impowered, whensoever they entertained the least suspicion of General ill advice, to address Her Majesty to name her advisers. Those persons were always answerable, but particularly in a parliamentary trust, and the House might proceed against them in a parliamentary manner.

Mr. Bouverie wished to know, whether the Queen could not act contrary to the opinion of her Council, and if so, Bouverie he conceived there could be no responsibility.

Mr. M. A. Taylor asserted, that there existed no responsibility in the Council, and that if there was any responsibility at all, it rested with the Queen; for the law said, that the King, but not the Queen, could do no wrong.

Mr. Anstruther contended, that no trust can be abused. Mr. Anstruther without responsibility in the persons so abusing their trust; and it was thence evident, that there could be no Parliamentary trust without responsibility being attached to it. His objection did not lie on that account against the clause, but against

which that responsibility was to be found. In the appointing the Prince to the office of Regent, there was by oath; but in the Queen's trust there was no nor any trace of a trust; and though meant to stand really and avowedly as a trust, it was not guarded were really so. This therefore was like what Macbeth of the witches,

They keep the word of promise to the ear,
And break it to the hope.

It had been urged, that the reason for not proposing Princes of the Blood was out of respect to them; a which was a perpetual disqualification, like the respect Epicureans for their Gods. That respect was to Princes of the Blood out of the commonwealth, they were the first persons in it. In the Regency George the Second was to be found the Duke of Cumberland, and yet, had the modern doctrine then prevailed of suffering the Duke to go and obtain a glory over the rebels, the language would have been not let him go, because he may be tried by a Courtial for absence from duty, or some other criminal in Mr. Burke mentioned other instances of Princes of the having been entrusted with situations of the greatest responsibility, and of the present Princes holding offices and responsibility; and he ridiculed the idea of any difficulty being offered in putting them into such situations;

Star after Star goes out, and all is Night.

In conclusion, Mr. Burke deprecated the clause, as calculated to break the bonds of domestic union, to raise the servants above their masters, who were shut out and excommunicated, and to sow dissensions in the middle of the Royal Family.

Mr. Powys remarked, that having by a distinct clause attached responsibility to the Prince of Wales, they ought to teach it to the guardians of the King's person. Mr. Powys said, he was not present when the right honourable gentleman proposed the Archbishop of Canterbury; but he abominated the nomination of the whole eight, as constituting a garbled, strange, and inconsistent moniter, part being named as private characters, and part as official ones. Those who occupied the offices for the time being, were the proper persons to be of Her Majesty's council.

Sir R. Sutton observed, that countersigning made a person responsible; and by an address to the Queen to know who the adviser was, evil advisers might be come at.

Mr. Burke said, that the Queen's guardianship of the King's person was called a trust in the bill, but that it was not provided for. They had made others responsible, but they had not made the Queen responsible.

Mr. Bouverie did not think his question had been answered. Mr. Bouverie asked the Queen to have a council without precise responsibility? If the Queen was to ask the advice of her council, and afterwards to act contrary to it, who could be responsible?

Mr. Chancellor Pitt wished the Committee to come to a decision on the question before the House, and expressed his readiness to meet the motion of the noble Lord afterwards.

The question was then put upon the amendment proposed, at the word 'John,' be omitted, which being negatived, the original motion that John Lord Archbishop of Canterbury, be one of Her Majesty's Council, was carried without a division.

Mr. Chancellor Pitt next moved, "That Edward Lord Thurlow be another of Her Majesty's Council."

Lord North contended in favour of the propriety of owing the names of the Princes before the question on Lord Thurlow's name.

Mr. Chancellor Pitt objected to postponing the Lord Chancellor's name.

Lord North having observed, that he felt it necessary Lord North to rise, for the purpose of moving the name of Edward Lord Thurlow to be postponed, that they might at once

once go into the debate on the propriety of inserting the names of the Princes of the Blood, expressed a wish to know why all that were proposed to be of the Council, were not proposed in virtue of their offices, and not by name? He objected to the naming of the Lord Chancellor by name after the Archbishop of Canterbury. The Lord Chancellor was next in rank, but not Edward Lord Thurlow. Viscount Weymouth, the Earl of Salisbury, and the Dukes of Montague and Chandos being each of them of higher rank. The determination to exclude any person of the Regent's appointment from attending in the Queen's Council, would create jealousies and suspicions, that all was not fair that was carrying on, which surmise would be prevented by introducing the Princes of the Blood to the Council.

Mr. Dundas. Mr. *Dundas* observed, that the duty which the House were on the point of fulfilling, was at once delicate and important. While their Sovereign was labouring under a critical disease, they were to place around the Queen, counsellors to advise her in the discharge of the trust which the Legislature was about to impose on her. In providing for the care of the King's person, they should do it so as to satisfy the nation at large. The question, whether Edward Lord Thurlow should be of the Queen's Council, he should vote for, because in so doing he consulted the safety of the King and the peace of the Queen. If they agreed to appoint him by virtue of his office, he might not be of Her Majesty's Council two hours; he might be removed from his office, and any man wearing a black gown in Westminster Hall, placed in his situation. Considering the ability, integrity, and manly spirit of the Lord Chancellor, and considering that he had in so eminent a degree possessed the confidence of his Sovereign, and that he now possessed the confidence of the People, he should give his vote, that Edward Lord Thurlow be one of Her Majesty's Council.

Lord North. Lord *North* answered, that he greatly esteemed the character and abilities of Lord Thurlow, and would, if the motion should be agreed to of appointing the Lord Chancellor for the time being, bring in a clause to continue Lord Thurlow of Her Majesty's Council if he should be removed from his situation.

Mr. Dundas. Mr. *Dundas* still objected to the motion being postponed.

Mr. H. Browne. Mr. *Hawkins Browne* contended, that the Regent ought not to have the care of the Royal person. Mr. Browne spoke in favour of the appointment of Lord Thurlow, and strongly against the words, "Lord Chancellor, for the time being," on the principle of not suffering any person of the Regent's appointment to be of Her Majesty's Council.

The

The question for postponing being put, it was negatived, and the motion for appointing Edward Lord Thurlow, was carried without a division.

The other names of the Archbishop of York, Lloyd Lord Kenyon, and of the Master of the Horse, Lord Chamberlain, and Lord Steward, were severally put and agreed to.

As soon as Mr. Chancellor Pitt had moved the eight names regularly, and the question had been put upon each, and the Committee had decided that those eight names stand as the names of eight Members of the Council,

Lord North moved, "That His Royal Highness the Duke of York and Albany be a Member of the said Council."

Mr. Chancellor Pitt remarked, that, notwithstanding that the noble Lord in the blue ribband had chosen to make the motion, without advancing any arguments in its support, for yet, agreeably to his declaration, that when the proper time might come for it, he should be ready to state his reasons, why he thought it necessary to give his vote against the motion, he would now enter upon an explanation. Possibly, what he had to offer, as well as his conduct on that occasion, might be placed in the catalogue of disrespectful measures, and added to the other imputations so unjustly charged upon him, of meaning to manifest a want of due attention and regard to the younger branches of the Royal Family. Be that as it might, so long as he was conscious of acting upon no other principle, than an anxious desire to do his duty faithfully, in a moment of great difficulty, he should firmly adhere to the rule of conduct that he had laid down for himself, as most advantageous to his country, and as best becoming his own character, perfectly regardless of any consequences, however highly injurious to him, which might ensue. The first matter to be considered, was, the nature of the Council in question, which was to be a Council of Advice, and a Council of Advice only. It had been said to be a trust, but the trust was, to advise Her Majesty in the care of His Majesty's person. The noble Lord had proposed, that the Duke of York, the second son of the King, should be a Member of that Council. Perhaps, the reasons assigned by a noble Marquis (of Graham) who spoke early in the debate, was of itself sufficient to shew, that the appointment of his Royal Highness to be a Member of that council, would be both unnecessary and improper. His noble friend's argument remained to that moment unanswered. Most certainly, there could be no occasion to put those Princes of the Blood, who were of course the natural advisers of Her Majesty, into a responsible situation, and make those Members

of a council, who were to advise the Queen, when called on so to do, and were to answer for that advice.

In the common transactions of the care of His Majesty's person, Her Majesty would naturally consult the persons of her own family; but, when an act was to be done of a much more important nature, she would then call upon her Council, who ought to be persons not interested in the advice they might give, farther than as their general wishes for the restoration of His Majesty's health, which they must feel in common with the rest of His Majesty's subjects, should make them otherwise, and who would naturally be the best able to advise Her Majesty. Whatever, therefore, they might do in form, it was clear, that in the appointment of the trust which was given, the authority to act upon should be in a single person. Another reason why it would not be right, in his mind, to name the Duke of York, was grounded on those general principles, in conformity to which, it had been improper to let the Prince of Wales have any concern in the care of His Majesty's person. It was the situation, and not the character of the Prince, that precluded him from being named to share in the office of the council of Her Majesty. He, who was to be Regent, ought not to have any concern with the care of the King, because, being next in succession, he was not fit to interfere with that concern. If, therefore, the Prince of Wales was unfit for such an interference, respect to him made it necessary to extend the same general principles to the Duke of York, and the rest of the Royal Family.

J.d. Beau- Lord *Beauchamp* thought the Princes of the Blood the *champ.* properst persons to advise Her Majesty, concerning a trust, in the due execution of which they were so deeply interested. It behoved the Committee to give a preference to those, who in point of situation, of duty, and affection, were the fittest persons to assist the Queen with their advice. Lord Beauchamp adverted to the subsequent part of the bill, where the Council were to act in the discharge of a very great and important trust; and he mentioned that clause, which provides in what manner they should proceed, on His Majesty's recovery, and declares under what circumstances the restoration of His Majesty should take place. That, and the other House of Parliament, he observed, had taken upon themselves to pronounce His Majesty's incapacity, after a proper examination of His Majesty's physicians; but the bill took the more important proceeding, to restore His Majesty to his Government, out of their hands, and intended to substitute that Council, on this very delicate question, and that not only when Parliament was not sitting, but even during the sitting of Parliament. The adoption of the other branches of

of the Royal Family, would, he should imagine, be most pleasing to Her Majesty, and equally necessary in a public light. He reminded the Committee, that they were to propose a Council, such as the Parliament and the People of Ireland would approve; because, it was to be considered, that the same Prince who sat upon the Throne of Great Britain, must sit upon that of Ireland. They ought, therefore, to take the same means as the People of Ireland would be willing to adopt; and, how was he, or any person sure, that the People of Ireland would leave the advising of Her Majesty, in respect to her care of the King's person, to a Council, which they knew nothing of, and which was different from that provided in all other Regency bills? The insertion of the other branches of the Royal Family, would not make the Council too numerous, and, he declared, that he did not think, unless the right honourable gentleman was to state stronger objections against the numerous precedents of former ages, that they ought to be departed from. In every former Regency bill, some of the Royal Family were to be included; in the present bill, they were studiously excluded, and that without any sufficient reason, as far as he was capable of judging.

Lord *North* remarked, that as the right honourable gentleman thought fit to signify his astonishment, that he had made the motion, without accompanying it with much argument, he should beg leave to inform him, that the reason was, because he conceived he had argued it very sufficiently when he had first risen, in that day's debate. But, if the right honourable gentleman thought it wanted argument, he would state a few more reasons why he conceived that the Committee ought to adopt it. The right honourable gentleman had alluded to the speech of a noble Marquis (of Graham) and had contended, that it remained unanswered. The noble Marquis had said, the Queen might, if she pleased, call for the council of the Princes, and, therefore, there was no occasion that they should be constituted Members of the Council of Advice. The Queen might, if she pleased, call for the advice of any one, or all of the eight persons, named for her Council, just as much as she could call for it in their capacity of Counsellors. The Privy Council, was in a great measure a Council of Advice. The Princes of the Blood were Members of the Privy Council, and when they attended a Privy Council, called by the King, they attended a Council of Advice. The Council to be appointed under the authority of the bill, was, not long since, stated to be a Council of Advice; but afterwards, to be something more, because they were to be partakers of the act of recalling His Majesty to his Government. The right honourable

Lord
North.

able gentleman had said, that they should not trust the person of the King to the successor of the Crown. That principle went too far; it was a barbarous principle, that excluded every one of the Royal Family from those Councils, and that advice. Lord North contended, that there was not any rule which could support excluding the successor from a council, to consider what was best for the care of the health and the preservation of His Majesty. The principle laid down, therefore, was a barbarous principle, carried to the height of barbarity. Lord North animadverted on the rule of conduct that the bill prescribed for the Queen and the council, on the King's recovery. They were immediately, he observed, to send an account of it to the Lord Mayor of the City of London, and cause it to be printed in the London Gazette. The Public, he was sure, would like the Queen's certificate of the King's recovery better, if some of the Princes of the Blood were in the council. He put the case of Her Majesty's death. Should the Queen die, His Majesty would be in the hands of not one of his own blood, a circumstance, in his opinion, extremely material to be considered.

Lord Maitland. Lord *Maitland* declared, that there was not, from the northernmost to the southernmost part of the island one man who could urge a reasonable objection against his noble friend's motion. The right honourable gentleman had said, that he trusted that the side of the House on which he stood, would mention his conduct in the catalogue of disrespects imputed to him. He would not notice it as a disrespect, but as an insult to His Majesty, an insult to the Queen, and an insult to the Prince of Wales. Was it to be believed, that the Queen chose rather to advise with the menial servants of His Majesty, as the right honourable gentleman had thought proper to state them to be, than consult with his relations? Sure he was, that when His Majesty got well, he would look with pleasure to the resolution of that House, which made the Prince of Wales one of his Counsellors. Lord Maitland spoke of the comfort every man felt in being advised by his own relations. He put the case to Mr. Pitt, who had, he said, so plentifully provided for his relations. When he looked to the Board of Treasury, when he looked to the Board of Admiralty, when he looked to the Chair of that House, he saw every proof of—

Sir James Johnstone. Sir *James Johnstone* rose suddenly, and said, he would not suffer the Speaker to be abused.

Lord Maitland. Lord *Maitland* answered, that the right honourable gentleman would not, he was sure, consider it as an inclination in him to abuse the Speaker in what he had said; and therefore he would pursue the thread of his argument. If he ^{thought}

bought the Prince of Wales was wicked enough to wish to retain the government of the country when the King grew well, he would be the last man living to suggest his being of the Council. The right honourable gentleman, when he could not produce any argument, had invented the device of calling it a question of feeling; if, therefore, the question then under consideration was a question of that nature, he did not doubt but that it would revolt the feelings of all public men, when they came to hear that the Prince of Wales had been treated with so much disregard, and so much marked insult. The right honourable gentleman had said, that Lord Thurlow was a fit person to be a Member of the Council, because the noble and learned Lord was high in His Majesty's confidence. Had not His Majesty shewn as much confidence in His Royal Highness the Duke of York? Would any man so much libel Her Majesty, as to suppose that she would not feel great comfort in the advice of her own son? There could not exist but one in the country, and that opinion must be, that the Duke of York, the two other Princes his brothers, and the Dukes of Gloucester and Cumberland, should be Members of the Council.

Mr. Addington remarked, that he must beg leave to express Mr. Ad-
his doubts whether, if there could be but one opinion in the dington,
country, that opinion was as the noble Lord had stated it; and certain he was, that there were sufficient reasons why that ought not to be the opinion of the House. The noble Lord in the blue ribband had declared, that he conceived the principle of excluding the successor to the Crown from the Council to advise Her Majesty in the care of the King's person, was a barbarous principle, carried to the height of barbarity. It was, nevertheless, the principle which governed the practice of the first Court of Equity in this kingdom, in all cases concerning persons labouring under the malady with which His Majesty was unfortunately afflicted. The rule was never to appoint the Heir Apparent, nor even the Heir Presumptive, to have the care of the person indisposed, but to take, as the most unexceptionable, the individual least interested in the death of that person. The Queen stood precisely in this predicament. Her Majesty, for a thousand reasons, was the most proper to have the care of the King's person, and the Prince of Wales was, for a variety of very different reasons, unfit to take any share in that concern. The noble Lord had observed, that, in case of Her Majesty's death, the Council would have the care of the King's person. If the Duke of York, therefore, was to be of the Council, and the Prince of Wales were to die, the Duke of York standing then as Heir Presumptive of the Crown, would have the custody of the King's person, which would be highly improper.

improper. When the death of the Queen should happen, the bill had provided for the circumstance. The only case in which the Queen ought to act under the bill by herself, was in regard to the resumption clause, and the bill especially defined what was to be the line of proceeding to be adopted. Mr. Addington assigned, as an additional reason, why the Duke of York, and the other Princes of the Blood, ought not to be of the Council, that their over anxious wishes for His Majesty's recovery might make them too zealous, and induce them to pronounce that His Majesty was in a state of sanity, before his restoration to health might have become complete. Mr. Addington solemnly declared that, in regard to the measures lately pursued, in consequence of His Majesty's unfortunate illness, he had acted from principle; he had maturely considered every part of the system; he had voted upon conviction in consequence, and he felt a pride and a pleasure in having given his feeble support to his right honourable friend.

Ld. North Lord *North* answered, that when he introduced the expression, that excluding the successor to the Crown from the Council, was pushing a barbarous principle to a barbarous extent, he did not introduce it as merely his own expression, but as an expression of the Lord Chancellor *Macclesfield*, in a similar case to the present. The honourable gentleman had argued thus, "Would you trust the Presumptive Heir to the Crown with the care of the King's person?" The Duke of York was not the Presumptive Heir to the Crown, nor would he have, if named one of the Council, any sort of control over the Queen. He was only as other Counsellors were, recommended to advise Her Majesty, as the occasion might require.

Mr. Burke. Mr. *Burke* observed, that the Committee had now gotten two principles laid down, and those as opposite to each other as light to darkness. The honourable gentleman who had spoken last but one, had said, that the Duke of York ought not to be of the Council, lest his too great zeal and filial affection should prompt him to pronounce the King well, previously to the re-establishment of his health; and the right honourable gentleman had said, the presumption was, that from the Princes of the Blood being interested, His Majesty might not be restored to his Government at the time of his recovery. Mr. Burke reasoned upon these contrasted and different disqualifications, and denied that they could both be founded. He said that gentlemen were fond of resorting to the dark and barbarous time of Henry the Sixth; a period before our Constitution was formed. He would refer them to more modern times, to the Regency bill of the fifth of the present King; a bill brought into Parliament at the instance

ance of the King himself. In that bill, the King was enabled to nominate a Regent, but disabled from naming any at his successor. Mr. Burke laid great stress on the wording of that statute, and asked whether it was right to exclude all the sons of a father from having any share in the custody of his person? He was himself a father, and the noble Lord was likewise a father. He appealed to the noble Lord, and to all fathers, how they would feel, on recovering from a dangerous and severe malady, if they found that their sons had been debarred all share of the custody of their persons. For his part, he should regard that man as a murderer, who had so excluded his son. He exclaimed against the times; they were, he said, ignorant times, not barbarous, because he really thought there was enough of urbanity and softness of manners; but ignorant, because mankind in general now drew all their information from newspapers and magazines. The learning of this day was bad learning, which was the worst sort of ignorance. The right honourable gentleman had said, "Let us have members of the church, and guardians of the laws, of the council, and officers of the household." He knew not one of the persons in office, but he knew that the Queen might change the household the next day, and then new persons would be her advisers.

The question was put, and the Committee divided,

Ayes, 128; Noes, 176.

His Royal Highness Prince Edward was negatived without a division.

The Committee divided on the Duke of Gloucester's name,

Ayes, 129; Noes, 178.

The Duke of Cumberland was negatived without a division.

Mr. Dempster proposed the Speaker of the House of Commons for the time being.

Mr. Chancellor Pitt observed that, on every account, Mr. Chancellor Pitt from friendship, affection, and consanguinity, he might well be supposed partial to the present Speaker of that House; but, he could not agree that he ought to be a Member of the Queen's Council. The four that had been first voted members, were the heads of the church and law; and the four last were the principal officers of His Majesty's household; whereas the Speaker of that House was of neither description.

The question was put and negatived.

The Lord Mayor of London for the time being was next proposed, and negatived on the question being put.

At length, after some desultory conversation, in which Mr. M. A. Taylor, Mr. Dempster, Sir William Molineux, Mr. Sheridan, and Mr. Chancellor Pitt, took part,

and wherein the latter combated the idea that the patre to be referred to the Queen was dependant on him, came to the clause containing provisions for His Maj being restored to his Government on his recovery.

Mr.
Chancel-
lor Pitt.

Mr. Chancellor *Pitt* remarked, that though they were agreed as to the object of the next clause, yet, as from he had heard, there was likely to be much difference of opinion concerning the means of attaining it, he thought would be adviseable to adjourn, and come fresh to the discussion upon the day immediately ensuing. He only wished Committee to understand that it was his intention to the report directly after the Committee should have proceeded through all the clauses.

The Chairman was directed to report progress, and leave to sit again.

The House being resumed, adjourned.

Wednesday, 11th February.

A petition of the Nobility, Gentlemen, Clergy, Freeholders of the county of Southampton, was presented to the House, and read; setting forth, that they are fainly sensible that it is the right and duty of Parliament to provide, during the continuance of His Majesty's present unhappy malady, for securing to the subject the full benefit of a government of energy and effect, in a manner consistent with the happy constitution of this kingdom, the peace and unity of the whole British empire, and the uninterrupted exercise of the Royal Power in the Electorate of Brunswick; and that they see in the bill to provide for the care of His Majesty's Royal person, and for the administration of the Royal authority during the continuance of His Majesty's illness, certain provisions and regulations which have created in them a sensible alarm, lest those parliamentary powers, rights, and duties, should not be exercised in a case of the highest importance to the public and welfare; and therefore praying, that in the provisions that shall be made for ascertaining the return of His Majesty's capacity for the personal exercise of his government, and the provisions that shall be made for the re-assumption of the same, that Parliament shall not relinquish powers which they hold in trust for the People, nor do them into the hands of any individual or descriptions of those parliamentary functions, and those means of parliamentary enquiry, which have been justly deemed necessary when the exercise of His Majesty's personal authority is suspended, lest alterations in government, made doubtful and suspicious circumstances, should destroy confidence in government, and abate its necessary force.

vigour; and that, in all provisions which shall be made in the intermediate time, care should be taken that nothing should be established which shall tend to weaken, distract, and divide the temporary government, or destroy the harmony that ought to prevail in the Royal Family.

Ordered, That the said petition do lie upon the table.

Mr. Phelps reported from the Committee appointed to take into consideration so much of an act, made in the last session of Parliament, entitled, "An act for the further regulation of the trials of controverted elections, or returns of Members to serve in Parliament," as relates to the fees to be demanded and taken for, or in respect of the examination of the sureties, the report thereon, and the taking the recognizances therein mentioned, and also, for or in respect of ascertaining and taxing the costs and expences therein mentioned, and the report to be made thereon, and to report the same, with their opinion thereon, to the House; and who were instructed to consider of rules and regulations to be established for the better ascertaining and taxing such costs and expences; and also, to consider of so much of the said act as relates to the entering into such recognizances, and to report their opinion thereupon to the House; and who were empowered to report their proceedings from time to time to the House, that the Committee had made a progress in the matters to them referred, and had come to several resolutions, and had also agreed upon a table of fees, which they had directed him to report to the House; and he read the report in his place, and afterwards delivered it in at the table, where the same was read; and is as follows:

Resolved, "That it is the opinion of this Committee, that for the due execution of an act, passed in the 28th year of the reign of His present Majesty, entitled, 'An act for the further regulation of the trials of controverted elections, or returns of Members to serve in Parliament, so far as the said act respects the recognizances thereby required to be entered into by any person having presented a petition to this House, complaining of an undue election or return, or of the omission of a return, or of the insufficiency of a return, it is expedient that the examiners of sureties, to be appointed by virtue of the said act, should attend (for the purpose of examining the sufficiency of any surety or sureties to be named in any such recognizance) in one of the Committee rooms belonging to this House, at such time or times within the time limited by the said act as shall be appointed by such examiners, on application made by any such petitioner, or his agent, to the clerk or clerk assistant of this House; and that such petitioner do give due notice of the time and place of such intended examination, together with the names, additions, and

“ places of abode of such sureties, to the sitting Member or
“ Members whose election or return is complained of by such
“ petition, or their known agent or agents, and to every other
“ person or persons to whom the Speaker of the House of
“ Commons shall have given notice to attend, at the time
“ when any such petition is ordered by the House to be ta-
“ ken into consideration, or their known agent or agents.

Resolved, “ That it is the opinion of this Committee,
“ that a printed copy of the said resolution be sent to every
“ such petitioner forthwith after the presenting any such peti-
“ tion to the House.

“ Your Committee have also considered and agreed upon
“ a table of Fees to be demanded and taken by the said ex-
“ aminers, and other persons, for their attendance and trou-
“ ble respecting such recognizances; which table is as fol-
“ lows, viz. To each of the said examiners, for his pains
“ and trouble respecting the examination into the sufficiency
“ of the sureties in any recognizance, and for the report to
“ be made thereon, and all matters relating thereto, the
“ sum of two guineas and no more—To the Speaker’s secre-
“ tary, for his pains and trouble respecting every such re-
“ cognizance, and all matters relating thereto, the sum of
“ twenty shillings and no more—To the clerk who shall
“ be appointed to attend the said examiners, for his pains
“ and trouble respecting every such recognizance, and all
“ matters relative thereto, the sum of twenty shillings, and
“ no more.”

The said resolutions being read a second time, were agreed to by the House.

The said table of fees being read a second time,

Resolved, “ That the same be the fees demanded and
“ taken by the several persons mentioned in the said table
“ of fees.

Mr. Chancellor Pitt having moved the order of the day,
and the House being resolved into a Committee of the whole
House, Alderman Watson in the chair,

The 26th clause was read, providing for His Majesty’s
resumption of his Government, which is as follows:

“ And be it further enacted by the authority aforesaid,
“ that when it shall appear to Her Majesty the Queen, and
“ to of the council appointed by
“ this act to assist Her Majesty in the execution of the
“ trust committed to Her Majesty by this act, that His
“ Majesty is restored to health, it shall and may be lawful
“ for Her said Majesty, by the advice of

“ of her said council, to notify the same by an
“ instrument under Her Majesty’s hand, and signed also by
“ the said of Her Majesty’s said council,
“ and

“ and addressed to the Lord President of His Majesty’s most honourable Privy Council for the time being, or, in his absence, to one of His Majesty’s Principal Secretaries of State; and the said Lord President, or Secretary of State, shall, and is hereby required, on the receipt thereof, to communicate the same to the said Regent, and to summon forthwith a Privy Council; and the Members of His Majesty’s most honourable Privy Council are hereby required to assemble in consequence of such summons; and the said Lord President, or, in his absence, the said Secretary of State, in presence of any or more Privy Counsellors so assembled, to cause the said instrument to be entered on the books of the said Privy Council, and immediately thereafter to send a copy of such instrument to the Lord Mayor of London, and likewise to cause the same to be printed in the London Gazette.”

Mr. Chancellor *Pitt* expressed his wishes to know whether it was the pleasure of the Committee that he should enter into the general statement of the clause, for the purpose of rendering the debate more convenient, previously to his moving the filling up the blanks.

Mr. *Burke* remarked that, in his opinion, this mode would prove the most convenient.

Mr. Chancellor *Pitt* again rising, and having premised that it was his intention that the first blank which he meant to propose should be filled up with the word “ Five,” added that in reviewing this clause, it was necessary to consider the subsequent clauses, they being all connected together. The general principle of the clauses he need not argue, as the provisions for His Majesty’s resumption of his government arose out of every principle of regard to the constitution of the law of the land, of the allegiance they all owed to their King, and out of the resolutions themselves, which were professedly calculated for the interval of His Majesty’s indisposition alone. The general principle felt by the Public, was, that the whole of this measure was calculated only for the duration of that necessity; and in policy they were also bound to take measures that the Regency should continue no longer than the happy moment of His Majesty’s capability to resume his right. The point they were then considering was of the greatest importance: it was His Majesty’s undoubted right to resume the personal exercise of the Royal authority as soon as he was capable of it. They were providing for that right, and, in so doing, they ought to provide according to the constitution, that they should not be thought to be trenching on royalty, and if they went any farther than the necessity of the case, they would

Mr.
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elor Pitt.

His Majesty would have a clear indisputable right to assume his government. Upon such notification of the incapacity of His Majesty, he would not be able to do all of royalty, but through some ostensible channel. His Majesty should no longer be infirm, he must act King, through some ostensible channel; it was the duty of that House to provide for His Majesty that such and fit channel, through which he would have to communicate his act to the Parliament and the People. Regarding such channel they were to look to ostensible persons to the Privy Council: those who might on His Majesty's recovery be in executive departments, would by no means be fit persons to consider His Majesty's capability of reigning to his government. The mode, therefore, proposed the next clause was, that those who should be at the time or shall have been, of His Majesty's Privy Council, and should be selected by His Majesty, to any number not less than nine, should be the channel of communication, six of such Privy Council should agree with the representation of the Queen and her council, that His Majesty's infirmity no longer existed, and should have countersigned the proclamation, they would be the channel through which His Majesty would have to communicate to the world his happy recovery. The principles he went upon were, that while His Majesty's infirmity continued, he could do one royal act; that when it ceased, His Majesty would have an indisputable right to assume the reins of government; that such recovery must be communicated through some ostensible channel; that those who were in executive departments at the time would be unfit persons; and those who were, and had been of His Majesty's Council, would be the proper channel through which His Majesty's recovery was to be communicated to the world for which they would be responsible, and, upon such notification, the Regency would immediately cease. It could not a doubt exist, under such guards, that His Majesty would prematurely be restored to his government. Queen and her council were to make such notification to the President of the Council, and on His Majesty's

is, under his sign manual, a Privy Council were to advise, and by that responsible channel was His Majesty's signature to be countersigned, and the Parliament were to be immediately. Mr. Pitt added that for his part he did not suppose it possible that in consequence of such a resumption would take place under doubtful or vocal circumstances. To such a resumption Parliament surely look with unspeakable delight; a delight congenial with that of a whole People, who were at the present time, most anxiously longing for the recovery of a beloved sovereign.

Mr. Powys observed, that whilst he thanked the right honourable gentleman for his full explanation of the principles of his system, he must beg leave to condemn it as unmercifully novel, incongruous, and unconstitutional. He had wished to introduce specific amendments of a contrary nature to those proposed, to controvert such vicious propositions. He trusted that the House would let them *in toto*. He wished to support the honour, the integrity, and the loyalty of the two Houses of Parliament, which were grossly insulted by an attempt made to supersede the rights of Parliament, and put them into the hands of a knived and garbled junto. Mr. Powys said he had viewed one of the clauses with greater surprize than this. The right honourable gentleman had declared that His Majesty, while his incapacity exists, could do no one Royal act; but the clause provided for the exercise of such act, when His Majesty should be supposed not to be incapable. The right honourable gentleman had stated the great certainty of the responsibility of the Queen's council; but how were they responsible! They were to be made openly responsible for that act, of which they could not distinguish the motives. It was stated in the clause, that the moment it was made appear to the Queen, that His Majesty was recovered, she was to do so and so; but how was it to be made appear? The right honourable gentleman had shewn great suspicion in this clause, not of one, but of all the three branches of the Legislature. Was there, in fact, a suspicion of any one branch of the Legislature? If so, there should be a suspicion of the others. But he found there was an intention to treat the Legislature, as the right honourable gentleman had stated that House. Parliament had not gone on supposition the point of His Majesty's incapacity, but had proceeded in the most solemn manner to the investigation of that fact, and in the same manner, he contended, they ought to proceed to the important point of His Majesty's recovery. When His Majesty should awake from that slumber in which then lay, and should enquire into the transactions which had

Mr.
Powys.

had passed, and ask by what authority he had been superseded in the exercise of his own functions, he would be told, "this was the act of your faithful Commons." He would hear that by them he had been condemned to supercession, by them he had been subjected to restriction. When His Majesty should ask, have my sons, my brothers been near me? The answer would be, no, Sir; Parliament has taken care that your sons and brothers should have nothing to do with you. When he should ask, have my other great officers had the care of me? The answer must be, no, Sir; they have had nothing to do with you. You owe it to four persons, John Moore, commonly called Lord Archbishop of Canterbury; William Markham, commonly called Lord Archbishop of York; Edward Lord Thurlow, and Lloyd, Lord Kenyon. Did not this conduct tend to poison the Royal mind, and make His Majesty think that those four individuals were the pillars of his throne?

Within these two years, the House had seen a variety of extraordinary things. Gentlemen had seen the executive power used to degrade and disgrace the House; they had seen the Lords and Commons made the instruments of mutilating the executive power; and that House was now called upon to be the instrument of its own humiliation, and to declare itself not fit to be trusted with the re-instatement of their Sovereign. He hoped gentlemen were not so lost to a sense of their own honour, as to subscribe to such a disgraceful doctrine, and so basely degrade themselves, as they were called upon to do by the clause now offered to their attention. He meant to propose several amendments, and to support the amendment of an honourable friend of his behind him, which he had seen and approved. For the present, he entered his protest to the whole system, as militating, to a violent excess, against the purest and most sacred principles of the Constitution.

Mr. Vyner supported the argument of Mr. Powys.

Sir Rich. Sutton. Sir *Richard Sutton* expressed his astonishment, that those who, some time since, contended against the rights of Parliament to lay any restrictions on the Regent, should now come forward to restrict their lawful Sovereign. His Majesty's claim was irresistible; the instant he recovered, so as to be able to resume his Government, their authority fell to the ground, and there was an end to the Regency. Sir Richard condemned the idea of the two Houses going into an examination of the capacity of His Majesty, upon his recovery, which he considered as highly injurious to His Majesty's rights; and he argued that it bore no parallel with the necessity of a parliamentary examination to prove the incapacity; the King not meeting his Parliament in person, or

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by commission, and a stop thence existing to all executive acts, it was necessary that the infirmity should be proved, to shew the right of the two Houses to provide for the exercise of the Royal authority; but, when His Majesty was restored, should they have an examination in Parliament, to know whether they would admit him to exercise his undoubted right? On His Majesty's recovery, he would recover his right, and Parliament would have no power to consider of means for the exercise of the executive authority.

Mr. Francis said, that among all the novelties which had occurred, in the course of this business, some of them alarming, and all of them surprising, nothing had astonished him more, than that he should now, he believed for the first time, not have been able to comprehend the meaning of the Chancellor of the Exchequer. Although he did not often assent to the opinions, and was seldom convinced by the arguments, of that right honourable gentleman, he generally, if not always, perfectly understood him; for, few men, he confessed, had a clearer way of stating their meaning upon any subject, or making their ideas intelligible to those who heard them: but, on the present occasion, though he had listened to him with the most attention, he was utterly unable to conceive what he meant. Whereas the question before the Committee regarded the mode of establishing, by sufficient evidence, the truth of a most important fact, the certainty of His Majesty's recovery, the right honourable gentleman had not said one word about fact or evidence, but had rung the changes a dozen times over, upon the words channel, and the channel of information, without any apparent application to the subject, and in a way which conveyed no distinct idea whatever to his mind. Mr. Francis added, that he had risen to state a precise specific question to the gentlemen on the other side, to which he hoped some of them would condescend to give a clear, direct, and rational answer. To every man who had experienced an opportunity of remarking persons afflicted with a disorder of the mind, it was a truth which could admit of no dispute, that to ascertain the fact of the existence of the disorder was one of the easiest operations, on which the human judgement or observation could be employed. But, to ascertain the fact of a real recovery, was one of the most difficult points of inquiry, as well as the most doubtful in the result, which could be proposed to human sagacity. A view of the person, or a conversation of a few minutes, might be sufficient to put the first out of all doubt; whereas, to ascertain the second, would require long, minute, and attentive observation, a variety of tests, and a continued experience; and, even with all these precautions, the investigation might pos-

sibly end in finding a false fact. The party might deceive himself, and persuade others to abet him in the deception. On this unquestionable truth, Mr. Francis said, he founded his question; and this question was, Since you have admitted that the interposition and cognizance of the two Houses of Parliament was necessary to ascertain and establish the fact of the King's incapacity, that is, to perform an act of no difficulty whatever, on what rational ground of distinction do you now assert, that the interposition and cognizance of the same judgement is not necessary to establish and ascertain the fact of his recovery, an operation in which, of all others, our observation, and even our experience, is most liable to be deceived? and if you thought that the authority of Parliament was necessary to warrant the first fact, to the satisfaction of the whole kingdom, why do you think it unnecessary to warrant the second fact, by the same authority? Why do you refer this question to the decision of an inferior tribunal?

Mr. *Marsham* said, that he could not avoid remarking that the declaration of the honourable Baronet (Sir Richard Sutton) that his honourable friend had resisted the rights of Parliament, and now was going to make unnecessary and unjust claims for Parliament, appeared to him in the light of most extraordinary language. Mr. *Marsham* objected particularly to that part of the clause, enabling His Majesty to call in what Privy Counsellors he thought proper, to decide upon the question of His Majesty's ability to resume his Government. He had two clauses which he meant to submit to the House, instead of the one proposed by the right honourable gentleman. They were to provide, that, on the notification by the Queen of His Majesty's recovery, Parliament should, if sitting, in not less than four days, nor more than six, after such notification, order His Majesty's physicians to attend at the bar, and to have this single question put to each of them: Whether His Majesty was capable of resuming the reins of Government? If the answers were given in the affirmative, the Houses should go up with an address to His Majesty, praying him to resume the reins of Government; and, on such an occasion, he was confident that the whole nation would go up with one voice, congratulating each other on the happy return of their Sovereign. This mode, he conceived, would prove far more satisfactory to the People of England, than the one of the Privy Council proposed by the right honourable gentleman. Mr. *Marsham* here read the two clauses which he meant to propose; the first of which was in substance as above stated; and the second gave the power to the Regent, and to physicians, to have free access to see His Majesty after

ter the notification of his recovery. He concluded by observing, that if his clauses were rejected, the House would give a deliberate opinion to certain counsellors of their own appointment, which they would not trust themselves with.

Mr. *Bouverie* was sorry to differ from his honourable friend, but he saw no principle in his clauses, that was correct and constitutional, or that did not go too far.

Colonel *Phipps* argued in favour of the propriety of the examination which had taken place in the first instance, to prove the malady, and reprobated, what he termed the impropriety and indecency of taking a parliamentary examination of His Majesty, upon his recovery. He asserted the right of the King to resume his government the moment his infirmity ceased to exist. He wished the resumption to be brought forward in the most easy, and, at the same time, in the most responsible manner, and for that reason he objected to the interference of Parliament, who, not being a responsible body, were improper so to act. He wished that they might keep within their own bounds, and look after the responsibility of others ; he wished them not to drag their Sovereign to their bar, to be examined as to his recovery, but to be convinced by those who had seen the progress of his recovery. He saw, the King was mending ; Dr. Warren, he observed, had signed his name that His Majesty was better. Dr. Warren, and the rest of the physicians, and not the House, would see the progress of his recovery. The Colonel having observed that an honourable gentleman (Mr. Powys) had said, the King on his recovery would ask, have my Parliament given me this power ? My dear children ; my brothers ? Colonel Phipps added, that the Parliament gave him the power at the time of the Revolution. He declared, that he wished them not to take upon themselves the part of a Republic, and when they thought proper, present a Crown, but to act as a Parliament belonging to a free constitution, which presided over it, and for the principles of which they were accountable.

Mr. *Sheridan* remarked, that in answer to the observations of the honourable gentleman who spoke last, it was sufficient to say, that no person disputed the indubitable right of the King to resume his government, when recovered. The real question was, the fact of His Majesty's being restored, and capable of resuming the government, and the manner in which that should be ascertained, and the resumption of his powers made. After passing that bill, the real question would stand, that His Majesty had no right, though His Majesty would have an unquestionable right, on his recovery. But, what were the proper means to ascertain that recovery ?

By the mode proposed for His Majesty's resumption of his government, it was to be under certain terms and conditions. Who then were to be the judges of those conditions; who so proper as the two Houses of Parliament? No person doubted the propriety of their going into an examination, to prove the incapacity; it was their duty to do so, and it was equally their duty to take care to provide against any act of His Majesty, until his capability was known. By the present clause, they were about to delegate the trust which belonged to themselves, and to others, and thereby depart from the duty which they owed their country, and degrade themselves by acknowledging, that those eight counsellors of Her Majesty were more trust-worthy than Parliament. After reprobating the powers of the clause given for the resumption of the government as dangerous, Mr. Sheridan summed up his arguments, by declaring that the House were upon the verge of delegating their authority into most suspicious hands; into hands, by no means proved to be fitter for the trust, than the Parliament; they were about to fall into the error, which the principle of the bill was to guard against, and to suffer the Regent to have the power over the person of the King, in many cases; but, in particular, on the death of the Queen; they were putting themselves into such a situation, that, the first notice they might have of His Majesty's recovery, might be by a dissolution of the Parliament; the second step His Majesty might take, might be, under his sign manual, to appoint a new Regency, by Lords Justices, or otherwise; and thus, when Parliament should again assemble, they might meet, not His Majesty, who might be relapsed, but his commission, without ever having any proof laid before them, of the re-establishment of his health.

Mr. Dundas. Mr. *Dundas* remarked, that he could not avoid acknowledging, that the honourable gentleman (Mr. Sheridan) had stated the real question, and argued very fairly, though he had contradicted by his practice what he had declared, that it was necessary to examine into the incapacity of His Majesty, since, out of that incapacity arose their right to delegate the Royal authority. On His Majesty's recovery, they would have no such right; the right of exercising the Royal authority attaching itself to the King, in the moment of his recovery. He agreed with the honourable gentleman, (Mr. Marsham) that, on the happy and joyous day of His Majesty's recovery, there could be but one sentiment, one united effusion of gladness throughout the empire. He also agreed, that it would become the House to congratulate His Majesty, on his resumption of the government; but, he could not agree with the honourable gentleman, that His

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Majesty should be retarded from his right of governing, until they had addressed him to take the reins of government. The proposition of his right honourable friend was, to enable His Majesty to come down and meet his Parliament, on his recovery, in his own right as Sovereign. The other proposition was, to humble him to the character of a suppliant for his Throne, seeing his authority exercised by another, in the person of his Regent. The system proposed by his right honourable friend went as near as possible to the straight line of the constitution, guarding the safe return of His Majesty to his Throne ; and, at the same time, the right to assume his government was so carefully hemmed in by every necessary provision and check, as to render it impossible that a resumption should take place, in any way injurious or dangerous to the country. Gentlemen might talk as they chose, about the council appointed for Her Majesty ; but, he would ask them individually, whether, in their own consciences they believed that those great and respectable persons would state His Majesty's recovery, in a public record, when they were convinced that such a recovery did not exist ? He was convinced by his own feelings, what the opinion of every impartial man must be, and what would be the opinion entertained by the Public at large ; it would be, that they were not capable of stating on record, what they were not convinced to be true. The clause gave that council the power of being in the daily observation of every particular of recovery ; they had the power of examining the physicians, and every opportunity of being competent judges of His Majesty's situation. It was true, that when Her Majesty thought the King recovered, she was to notify that happy circumstance ; but, she could not do it alone ; the House had placed on Her Majesty a check of eight counsellors for advice, without a majority of whom concurring in opinion with Her Majesty, she could not notify such recovery ; and such a check was, in his opinion, a sufficient surety to the House and the country, that no premature resumption would take place. Her Majesty's counsellors were men of strong judgement, and of great loyalty and attachment to their Sovereign, and would not, by premature judgement subject Her Majesty and the People to the pangs of having their King brought forward in a state incompetent to the exercise of his Royal functions. The House would act wisely in adopting the present mode proposed for His Majesty's return to his government ; it was not left to His Majesty's own judgement to give the notification of his recovery, but to the Queen, and the majority of her council ; and before the recovery could be declared to the empire, the Privy Council must concur with Her Majesty, and countersign the proclamation : there was an additional check

check even to these, and which he did not consider the least, it was the opportunity given to His Majesty to exercise his philosophy and his religion, in revolving in his mind his situation before he gave his proclamation, and came forth to his afflicted People, saying, "I am your King again." It had been asked, what responsibility attached to the advisers of Her Majesty, or to those who countersigned the proclamation? He answered, the same responsibility that attached to any Privy Counsellor, for advice given to the Monarch. Would any man of such a description as those eight persons who formed Her Majesty's Council chuse lightly or wantonly to take such a trust, or was it probable that they would abuse it? If they betrayed the trust reposed in them by Parliament, Parliament would act consistently in punishing them; it was, however, unlikely that such a trust should be violated, when the fact of His Majesty's recovery was to be given under the sanction of the Queen, the Queen's Council, of His Majesty, and, lastly, of the Privy Council. An honourable gentleman (Mr. Powys) had contended, that Parliament would be degraded, and that gentlemen had seen that House degraded and disgraced. He agreed, that it had been degraded; not by the executive power, but by themselves; insulted they were, when persons made claims in which they were not supported by them who sent them to Parliament, by the People of England, to address the Throne to protect them from their violence; and the wise measure of that day, which returned them to their constituents, was happily felt by the return of the present Parliament, whose measures had been admired and applauded throughout the country. Mr. Dundas charged Mr. Powys with having acted in an unmanly way, by sheltering himself behind the previous question, when the question of right was discussed. He added, that he never would agree to any measure which might cast obstacles in the way of His Majesty's resuming his government. Could it be borne, that when His Majesty was recovered, his Regent should come down to the Parliament as King, make a speech as King, while their Sovereign was to be a spectator of the pomp and show, from the windows of Buckingham House? No, he would never agree to such a conduct, and, he believed, the House and Country would revolt at it. He considered the plain question before the House to be, whether the mode proposed was sufficient to establish the fact of His Majesty's recovery, whenever that fortunate event should occur? The fact so ascertained, would be sufficient to enable the Privy Council to present the King to the ardent expectations of his People, and if they did it prematurely, they were punishable by Parliament. Those, therefore, who agreed with him in thinking the powers sufficient to ascertain

ain the fact, would not, he was convinced, submit to have any other mode adopted, which might retard His Majesty's return to his Government, and afflict him by the sight of another person assembling his Parliament, and exercising his privileges and authorities.

Mr. Powys in explanation answered, that he should not hesitate to confess, that the right honourable and learned gentleman had argued the matter fairly, and brought the question to its true point, upon which they were at issue. The point, whether His Majesty, on the recovery of his health, should resume his Government upon the authority of the Parliament, or nine of his Privy Council. The right honourable and learned gentleman, he avowed, had understood him right, when, by his declaration that Parliament had been degraded and disgraced, he understood him to allude to the dissolution of the last Parliament, after the promise given to the House and the Public, in the name of the right honourable gentleman, that he would not advise His Majesty to dissolve the Parliament. Mr. Powys said, if he had not understood the right honourable gentleman, to whose declaration he alluded, he was sorry for it, he did not wish wilfully to misunderstand him, but, if he had, he believed many misunderstood him in the same way as he did at the time. The right honourable and learned gentleman had stated, that he took an unmanly part, on a former day, in shrinking from the discussion of the question of right. He did not shrink from it, but thought the discussion of the right unnecessary, and, after giving his reasons for being of that opinion, he deprecated the discussion. With regard to the subsequent proceedings upon the resolutions, he had questioned the right of Parliament to parcel out the power of the Crown, and he had stated doctrines which he had found in books, which he conceived to be books of undeniable authority, and which proved that such a division of the Royal prerogatives, and such a separation of the Regal power from the Kingly office, were neither legal nor constitutional. He hoped he did not transgress order, but perhaps he did what was almost as bad, intrude upon the patience of the House; he had risen merely to confine himself to explanation, but might he beg permission to add about six sentences more. The right honourable and learned gentleman had drawn the argument into a fair point of view, and had met what they on that side of the House had no scruple to avow to be their true meaning: that, as Parliament had thought it to be their duty to pronounce the incapacity of His Majesty to exercise the Royal authority, Parliament ought to be enabled to enquire into the fact of His Majesty's recovery, and to declare it previous to the resumption of the personal exercise of the Royal authority. But the right honourable and learned gentleman

begged that honourable gentleman to rest assured, that when he meant to make a charge, he would not disavow it. He believed that the honourable gentleman had very correctly stated to the House what had passed upon the occasion to which he referred, and he believed that the honourable gentleman had meant nothing more, when he made the declaration in question, than to discharge the trust reposed in him by his right honourable friend.

Mr. Pitt. Mr. Chancellor *Pitt* answered, that he felt too much the importance of the subject of the bill then actually in debate, to say one word more respecting the declaration alluded to.

Mr. Bouverie. Mr. *Bouverie* having remarked, that the promise that Parliament should not be dissolved, and the breach of that promise were in every man's mind—

Mr. Dempster. Mr. *Dempster*, calling to order, lamented that so much of the time of the House had been wasted in discussing a subject which had no relation whatever to the actual ground of debate, and which had happened at a time when party ran exceedingly high in that House, and gentlemen's minds were much more divided, and their tempers much more irritable than they were at present: the less, therefore, that was said about it, the better; for which reason, he begged that Mr. *Watson* would read the question then before the House.

The question was read accordingly, and the debate proceeded.

Mr. Sheridan. Mr. *Sheridan* complimented Mr. *Dundas*, declaring, that with regard to the beginning of his speech, he never had heard any thing more able, more earnest, or more eloquent; but that, towards the end of it, the right honourable and learned gentleman got himself entangled in an argument which destroyed the principle of all his former reasoning. The right honourable and learned gentleman had first doubted whether we had any right to impose restrictions on His Majesty's assumption of his Royal authority, and, he had afterwards said, that the bill had provided all the necessary checks and restrictions, thus contradicting the right honourable gentleman's assertions. The right honourable and learned gentleman had said, ought His Majesty to be a suppliant to Parliament, for the exercise of those prerogatives which of right belonged to him? He would say, that it would be better for His Majesty to supplicate that House for his crown, than either his Council of eight, or his nine Privy Council. Mr. *Sheridan* charged Mr. *Dundas* with flying to the commonplace topics of pitying the King, and saying all he felt for him and his situation. They all, no doubt, felt as they ought to do for His Majesty, but they ought likewise to feel for their country, which was of equal consideration. The right honourable and learned gentleman, disdaining to read the bill upon which

to, was not present in the House, and, therefore, he had recommended an address to the King, as a more clear and effectual way of getting an answer. He was not aware, Mr. Bankes said, whether the address had been moved by the right honourable gentleman himself, [A general cry from the other side, of No, No ! and Sir William Cunynghame said, Mr. Eden.] the right honourable gentleman had, however, in his opinion, discharged his trust, and Parliament had undoubtedly gone beyond its proper functions. His Majesty was known to have changed his Ministry, and many violent proceedings took place, till at length Parliament was dissolved. Mr. Bankes descanted on the difference between a declaration which the House had acted upon, and a declaration that had not been acted upon ; which latter, he contended, was the case with the declaration that he had made.

Mr. Chancellor Pitt and Mr. Powys rose together. Mr. Pitt, Mr. Powys, however, sat down, declaring that he would submit to the command of the right honourable gentleman. Mr. Pitt then observed, that the honourable gentleman would do well first to submit to the orders of the House, and next to conform to decency, and not wantonly introduce charges that were malicious and unfounded, respecting matters which had passed in that House five years ago, and matters which had no relation whatever to the subject of the debate. Mr. Pitt mentioned the extreme disorder of advertizing to what had passed in another Parliament, and which had been repeatedly debated when the subject was fresh in their recollection. With regard to the matter itself, he declared, that had not his honourable friend thought it entitled to the notice which he had paid it, he would not have made the honourable gentleman over the way any answer : he had too much regard for the House, and for the important subject of debate then before them, to waste the time of the House about it ; and, as to any imputation to be dreaded from it, his character, he trusted, was above it. There had been no engagement made in his name, and through his means ; and if any one asserted that there was, he asserted a fact destitute of foundation.

Mr. Powys begged leave to remind the right honourable gentleman, that he was not warranted to assert in that House what he had imputed to his charge ; and he denied that he had said any thing that had either a malevolent or a malicious intention. He did not, Mr. Powys remarked, stand on the haughty and arrogant ground which the right honourable gentleman had taken ; he did not say that his character was above the reach of calumny ; he would say nothing of his character, but only appeal to the fact. The honourable gentleman who spoke last but one, had talked of a charge and an imputation being made against him ; but, he

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Mr. Burke having risen, and at the same time, several gentlemen of the opposite side having quitted their places, he observed, that he would begin speaking as soon as the gentlemen with orange capes had left the House. He first took notice of what had passed respecting the Hampshire petition; when it was said that the voice of their constituents should be that of the court; when a petition, speaking the sentiments of a most respectable body of men, was treated as if it disgraced Parliament. If the right honourable gentleman had sent the author of an address which had degraded Parliament, to tell the Court of Madrid, and all the Courts on the Continent, that he had degraded Parliament; he was, Mr. Burke acknowledged, a poor, humble follower, who gave his vote for that address, and was talked of as having degraded and disgraced Parliament and he wondered not that the right honourable gentleman was desirous to come to a completion of the whole. He had now near twenty, among his voters, of those who had assisted in thus degrading and disgracing Parliament.

Mr. Sumner declared, that the remarks of the right honourable gentleman were totally inapplicable to the subject under debate; and therefore he desired that the Chairman would read the question.

Mr. Ald. Mr. Alderman *Watson* said, he thought it is duty to inform the Committee that there was no question before the Committee.

Mr. Pitt. Mr. Chancellor *Pitt* said the question was to fill up the blank in the first clause, but that at the desire of the Committee in general, he had summarily stated the principles and arguments on which he rested the whole of the regulation.

Mr. Burke. Mr. Burke observed, that he perceived that it was possible for him to push the topic too far. His meaning was, to praise several who supported the right honourable gentleman's administration, but he found that it was disorderly; if he approved of the Minister's friends, it was irregular. Order, he observed, was an admirable thing, perfect in all its limbs, only unfortunately it squinted, and wanted the aid of some expert oculist to enable it to see straight. He took notice of Mr. Dundas's speech, declaring a part of it to have been ingenious, a part of it dull, and a part of it replete with invective. The right honourable and learned gentleman had talked of the wisdom of the regulation for the return of the King to the exercise of his Royal authority, and his triumphant entry into executive power. It would not, Mr. Burke said, be amiss, if, before they enjoyed the triumph, they spewed their wisdom by endeavouring to preserve the Empire. The ridiculous petition to

which

which they had just adverted, advised them so to do. A Parliament was not to be resorted to in the event of His Majesty's resumption of his power; and he desired to know whether they had asserted the competency of Parliament, on purpose to degrade and vilify it? The right honourable and learned gentleman thought, that to depose His Majesty's government, it was necessary to make an examination of physicians before that House; but to give it to him, it was not necessary for that House to have any examination. The right honourable and learned gentleman asked, what had they to say of the characters of the officers of the household? He had nothing to say of them, but that when they had accepted the truth, they were not fit to hold it. He might adore the Duke of Montague, he might worship the Earl of Salisbury: he knew those; but he would not say that others, as great as they, would not do in their places. The house had no security at all for the due performance of that important act, which was to pass through the hands of the King's Council. The right honourable and learned gentleman had said, would you have the King a supplicant to Parliament? Yes, he thought Parliament the proper judge of Kings, and that it was for their honour that they should be so. When he went to war with foreign powers, he wished the King to be a supplicant to Parliament: when he entered into subsidiary treaties, he wished him to be a supplicant; but he did not wish him to be a suppliant to his own menial servants, those who eat his bread and received his wages. If an examination of His Majesty's physicians, when his incapacity was declared, if that were degradation, why did they make it a necessary proceeding? The right honourable and learned gentleman said, if the King is well, he shall come and claim. Why then did he not? Oh no, he must have restraint, but it should be any restraint but that of Parliament. Mr. Burke reasoned on the necessary steps to be taken preliminary to His Majesty's being suffered to resume his authority; the first thing to be learnt, he said, was, that the sanity should not be doubtful. It would prove shockingly reprehensible to produce the person of a monarch, in such weakness as might render him the tool of a faction, who should make him do what he could not undo. Had they forgotten the case of Charles the Sixth of France, who delivered all his power over to the hands of a faction which ruined France? Charles the Sixth, previous to his visitation by that dreadful calamity, was as enterprising as any Monarch that ever sat on the throne of France, and just before it pleased Heaven to afflict him, the French had talked of invading England; but after that period, the English invaded France; we went into

into the heart of the country and tore the crown from the brow of its Monarch. Mr. Burke advised the perusal of the history of foreign states, a fund of knowledge, infinitely more serviceable than birth-day odes or addresses. The disorder with which the Sovereign was afflicted, was like a vast sea which rolled in, and at a low tide rolled back, and left a bold and barren shore. Mr. Burke said, he had taken pains to make himself master of the subject, he had turned over every book upon it, and had visited the dreadful mansions, where those unfortunate beings were confined. At one of them, the capital Hospital for such persons, he saw the goodness of the provisions, the cleanliness of the house, the discipline throughout, and the wonderful order; in consequence of which so many persons were governed by a few. An author of great authority having mentioned the uncertainty of the symptoms of sanity, had declared, that after having been kept a month, and the rule was, he said, at all the houses he had visited, though anxious to discharge the patients speedily, as they all were to keep them a month after their recovery before they turned them out of the house, they would sometimes dread the day of their departure, and relapse on the very last day, and the consequences which had followed, were of the most fatal kind. Mr. Burke read an extract from the volume to which he alluded, which stated, that some of these unfortunate individuals after a supposed recovery, had committed parricides, others had butchered their sons, others had done violence to themselves by hanging, shooting, drowning, throwing themselves out of window, and by a variety of other ways.

When Mr. Burke read the extract, there was a cry of Oh! Oh! and one gentleman called Order!

Sir Rich. Hill. Sir Richard Hill said, he did not rise to speak to order, but to apologize for the right honourable gentleman. Sir Richard was interrupted by

Mr. Grey. Mr. Grey, who said that he wished that gentlemen would not rise to order, without being able to prove that any word which was disorderly had been spoken.

Mr. Burke Mr. Burke rose again, and said, that he who had as low an understanding as any man, would wish to make amends by industry and application, from which alone, useful knowledge was to be acquired. He declared, that he wished to preserve the utmost delicacy, but delicacy, though a being of perfect symmetry and order, was only a subsidiary virtue, and ought always to give way to truth, where the case was such, that the truth was infinitely of more consequence than the delicacy. Mr. Burke reasoned on this idea, and instanced a variety of cases, where great delicacy was *prima facie* due, and yet it was uniformly abandoned. Among others, all cases of

illness in the fair sex, who were, he said, even delicacy itself; and yet there occurred with them a variety of occasions, where delicacy was obliged to be sacrificed; he mentioned child-birth, and especially when the child was the heir of a kingdom; in that case, for the sake of the succession, there was still more disregard to delicacy, than in other instances. He also adverted to the proceedings in the two Houses, upon divorce bills, proceedings in the ecclesiastical courts, trials for rapes, and other measures.

In Naples, they published every circumstance relative to such maladies as His Majesty laboured under, because the feelings of the world superseded delicacy. Had he not, he said, seen Loudon almost burnt to the ground through an idle and over scrupulous regard to delicacy? Mr. Burke observed, that he had read enough to give the Committee a sense of the danger of an uncertain cure, arguing from the great disasters which had followed in private life, that it was the more necessary to take care that a sane Sovereign was put in the possession of Government. He drew a picture of the King's supposed return, which he described as most happy, if really cured, but as horrible in the extreme, in its consequences, if a sudden relapse took place.

Sir *Richard Hill* talked of the British constitution receiving Sir *Ri* support from one whose own constitution required aid. He *Hill* mentioned Mr. Burke's having gone to the several receptacles for insane patients, and said, when he went again, he did not know how long he would stay there. The right honourable gentleman, he said, stood in no need of tartar pills, or cream of tartar; though perhaps a little physic would do him no harm.

Sir *Charles Gould* declared, that he approved of the regulation, as he thought it favourable to the circumstance of His *Gould* Majesty's being restored to his Government on his recovery.

Sir *Charles* moved a short amendment.

Mr. *Powys* moved several amendments.

Mr. *Sheridan* observed, that as the bill stood, His Majesty's *Mr.* recovery would not come before Parliament at all, even if it *Sheridan* were sitting. He reminded the House of what he had spoken before, when he adverted to the possible case of His Majesty's recovery, and the very first act of his executive government being a dissolution of the Parliament. He put the case also of the King's being recovered to a degree, and substituting a new form of government without Parliament. He stated likewise, that His Majesty might recover, and might not chuse to appear in public, but might nominate other persons as *Custodes Regni*, to carry on the Government for him. Mr. *Sheridan* moved an amendment, which he explained to be introductory to still farther amendment, meant to be proposed afterwards.

afterwards, with a view to procure the object aimed at, as those who thought, as he did, that Parliament ought to be the medium of restoring the Government to the King, on his recovery.

Mr. Sheridan's amendment tended to oblige the Privy Council to take care that the instrument, stating His Majesty to be recovered, which was to be sent to the Lord Mayor of London, and inserted in the London Gazette, be previously laid before Parliament.

Mr. Pitt. Mr. Chancellor Pitt objected to the amendment, denying that His Majesty could delegate his authority, while he remained within the realm. There were no powers in the law of the country, by which the King could appoint a person to the Royal authority; and, as to the idea that His Majesty might recover, and the very first act of his government would be, to dissolve the Parliament, it was a notion too wild and extravagant for any man seriously to entertain.

Attorney General. The Attorney General observed, that he did not conceive it possible that any Member would venture to alarm the House with the idea, that His Majesty, on his recovery, could make a *Custos Regni* or *Custodes Regni*, which of late years had been known by the more familiar names of Lords Justices, in which case every act is done by the King in his own person. He had on a former day explained, that the Lord Lieutenant of Ireland was, strictly speaking, a *Custos Regni*; but, if the King was to set his foot in that kingdom, the Lieutenant's power would stop instantly, and his patent be void. No point could be more clear, than that the King had not the power to raise another Royal person. A Regent, whom they were then making, was a mere creature of Parliament, only of late years, thought of, and to be found recognized in no more than one or two modern statutes.

The Attorney General explained the nature of commissions, and particularly adverted to that commission lately on the woolsack in the House of Lords. The Committee divided on the amendment. Ayes, 113; noes, 181.

The clauses being gone through,

Mr. Chancellor Pitt brought up a new clause, to enable the Regent, notwithstanding the several restrictions respecting patent offices for life, pensions, &c. in any case of the Judges, through age or infirmity would wish to resign, to grant them pensions. Another object of the clause, was, to enable Parliament, if the occasion of making a Chancellor should occur, to pass an act in that session of Parliament to enable the Regent to grant, in that case, a reversion of some patent office, &c. to the person accepting the seals.

Mr. Pulteney. Mr. Pulteney gave notice, that, on the reading, he should introduce a clause by way of rider, to limit the duration of the

strictions which disables the Regent from making

Chancellor Pitt desired that the Report might be re-
l immediately, as he intended to read the bill a third
his day.

House having been resumed, the Report was made,
e amendments having been twice read, and a question
a each, the bill was ordered to be engrossed.

House adjourned.

readers may not think it improper, that we should in-
troduce, at the close of this debate,

accurate List of the several Members of the House of
mons, who voted, and paired off, for and against the
uses in the REGENCY BILL, to enable His Majesty
resume his Authority.

L I S T O F T H O S E W H O V O T E D .

For the Clauses.

| | |
|-------------------|-----------------------|
| RCROMBIE, B. Esq. | Brett, C. Esq. |
| ington, H. Esq. | Brodie, A. Esq. |
| ige, J. Esq. | Browne, J. H. Esq. |
| itt, J. Esq. | Brudenell, G. B. Esq. |
| ley, F. Esq. | Burges, J. B. Esq. |
| y, Lord | Burton, F. Esq. |
| i, Sir R. P. | |
| | Call, J. Esq. |
| es, H. Esq. | Calvert, J. Esq. |
| g, F. Esq. | Calvert, J. jun. Esq. |
| , B. Esq. | Campbell, Lord F. |
| ington, J. Esq. | Carew, R. P. Esq. |
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| ay, R. A. Esq. | Cawthorne, J. F. Esq. |
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| irst, General | Cotton, Sir R. S. |
| im, Visc. | Courtown, Earl of |
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| oy, H. Esq. | Crutchley, J. Esq. |
| gham, W. Esq. | Curzon, P. A. Esq. |
| p, Sir Cecil | |
| burn, J. Esq. | Dashwood, Sir H. W. |
| J. Esq. | Dawes, J. Esq. |
| wen, H. Esq. | Devaynes, W. Esq. |
| wen, Col. W. | Dolben, Sir W. |
| er, G. Esq. | Douglas, A. Esq. |
| ton, T. B. Esq. | Douglas, Sir G. |
| lling, C. Esq. | Drummond, J. Esq. |
| L. XXV. | |

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| Dickens, F. Esq. | |
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| Edmonstone, Sir R. | Kent, Sir Charles |
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| Gower, Hon. Admiral | Mackreth, Robt. Esq. |
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| Hammet, Sir Benj. | Mornington, Earl of |
| Hill, Sir Richard | Mortimer, Hans Winthrop |
| Hinchinbrook, Visc. | Mulgrave, Lord |
| Hobart, Hon. Henry | Muncaster, Lord |
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| | Popham, Alex. Esq. |
| | Popham, Col. Wm. |
| | Powney, Pen. Port. Esq. |
| | Preston, Sir Charles |
| | Preston, |

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| Major John | Tyrconnel, Earl of |
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| ens, Philip, Esq. | Wraxall, Nath. Wm. Esq. |
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| t, Hon. Col. Charles | |
| art, Gabriel, Esq. | Yonge, Right Hon. Sir Geo. |
| an, Rich. Joseph, Esq. | York, Colonel |
| er, Geo. Esq. | Young, Sir Wm. |
| on, Sir Richard | |

Against the Clauses.

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| ford, R. Esq. | Dawkins, J. Esq. |
| on, R. Esq. | Dempster, G. Esq. |
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| stor, W. Esq. | Elliot, Sir G. |
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| oun, W. Esq. | Fielding, Visc. |
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| way, Hon. G. S. | Francis, P. Esq. |
| yer, Sir Grey | |

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| Kingsmill, R. Esq. | Russell, Lord Wm. |
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| Newnham, Nath. Esq. | Walwyn, James, Esq. |
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| Osbaldston, Geo. Esq. | Webster, Sir Godfrey |
| | Weddel, Wm. Esq. |
| | Whitmore, Tho. Esq. |
| | Wilbra. |

Ham, Roger, Esq. Wyndham, Rt. Hon. W.
Glynn, Esq.

LIST OF THOSE WHO PAIRED OFF.

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| ey, G. Esq. | Harley, Rt. Hon. T. |
| oft, Edw. Esq. | Hawkins, Christ. Esq. |
| n, M. Esq. | Herbert, Lord |
| , C. Esq. | Hill, John, Esq. |
| , R. W. Esq. | Hobart, Major |
| lale, M. Esq. | Hopkins, Bond, Esq. |
| e, T. Esq. | Howard, R. Esq. |
| ie, J. F. Esq. | Hungerford, J. P. Esq. |
| bell, Hay, Esq. (Lord | Jervis, Sir J. |
| locate of Scotland) | |
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| n, W. Esq. | Middleton, W. Esq. |
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| Col. | Minchin, H. Esq. |
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| er, G. Esq. | Onslow, Hon. T. |
| t, T. Esq. | Pitt, W. M. Esq. |
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| Selwyn, W. Esq. | Wenman, Lord |
| Shuckburgh, Sir G. | Whitbread, S. Esq. |
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| Smith, S. jun. Worcester | Wemyss, Colonel |
| Smith, C. L. Esq. | |
| Sneyd, Walter, Esq. | |

Against the Clauses.

| | |
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| A'COURT, Wm. P. Ashe, Esq. | Damer, Hon. George |
| Amcotts, Wharton, Esq. | Damer, Hon. Lionel |
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| Bridgeman, Orlando, Esq. | Fitzherbert, T. Esq. |
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| Clive, Lord | Hussey, W. Esq. |
| Clive, W. Esq. | Knight, R. P. Esq. |
| Crespigny, P. C. Esq. | Ladbroke, Robt. Esq. |
| Coke, Edw. Esq. | Lambton, W. H. Esq. |
| Conway, Hon. W. S. | Lee, John, Esq. |
| Conway, Hon. R. S. | Legh, T. P. Esq. |
| Conway, Hon. H. | Lilburne, Earl of |
| Cotes, John, Esq. | |
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| Clayton, Sir R. | |

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| n, Lord | Rawlinson, A. Esq. |
| eton, Lord | |
| leton, Sir W. | Scudamore, John, Esq. |
| r, Sir J. | Sinclair, Sir J. |
| neux, Crisp | Sloane, J. Esq. |
| read, Sir J. | Spencer, Lord Robert |
| yn, Sir R. | Stephenson, R. Esq. |
| am Wm. Esq. | Sturt, Charles, Esq. |
| , Lord | Swinburne, Sir J. |
| John, Esq. | Thorold, Sir J. |
| , H. Esq. | Vanneck, Sir G. W. |
| Francis, Esq. | Upper Ossory, Earl of |
| rstone, Lord | |
| ns, T. B. Esq. | Warren, Sir G. |
| m, C. A. Esq. | Winnington, Edw. Esq. |
| m, Hon. H. | Wrighton, W. Esq. |
| yn, Lord | |

Thursday, February 12th.

. Pulteney desired to be favoured with the attention of Mr. Goufe, whilst he introduced his motion in favour of that Pulteney, concerning which he had given notice the preceding evening: a clause to limit the duration of that part of the Bill which restrained the power of the Regent, in order to the increase of Peerages. In order to explain the principles on which he thought some limitation on that Motion necessary, Mr. Pulteney adverted to the different modes of check and control, which the different branches of the Legislature had upon each other; a system wisely provided by the Constitution, in order to keep alive that proper jealousy, the constant attention to which tended so effectually to the preservation of the Constitution itself. The Sovereign, as head of the three estates, had, indeed, a variety of prerogatives and functions, independent of the two Houses of Parliament, and essentially necessary to the conducting the legislative, as well as the executive Government of the country; to other branches of the Legislature in like manner particular rights, powers, and privileges, peculiar to themselves, equally requisite for the maintenance of their independence and the security of that independence from the encroachments of either of the other two estates. The Crown was connected with both Houses of Parliament in a peculiar manner, and each House possessed powers of counter-

acting the Crown to a reasonable degree, whenever the Crown should go beyond the constitutional limits of its prerogative. In that House, as they well knew, whenever they thought it necessary so to do, they could control the Crown in many respects, and especially, by withholding the supplies, or refusing to pass the mutiny bill; but, if any improper use were made of their power, His Majesty might dissolve the Parliament, and send them back to their constituents. On the other hand, should the other House refuse to lend their aid in passing the bills of supply, there was no other means of coercing them, but by creating new Peers, which had more than once restored the House to that situation in which it ought to stand. Mr. Pulteney descended on the great utility and importance of the power of the Crown to make Peers. Had not the Crown been able to exercise that power, some important acts would not have passed, and the Union with Scotland could not have taken place. However opinions might have differed concerning the Union, at the time, all men who felt for the interest of both England and Scotland, had since found abundant reason to extol its wise principles, and to rejoice at its beneficial effects. The power of creating Peers, so properly lodged in the hands of the Crown, for the reward of merit, and the encouragement of virtuous emulation in the service of the country, was a power which had always been exercised sparingly by the Princes who had sat upon our throne. Had not this been the case, various abuses might have crept into the conduct of Government; corruption would have been openly practised; and it might have happened that the House of Commons would have sunk to such a degree of want of respect and character, that there might not be found in it proper persons to be raised to the dignity of the Peerage; and thus the Crown might be deprived of the means of resisting a faction in the House of Peers. Mr. Pulteney said, that he had a great opinion of the House of Commons; but he did not therefore wish that the Crown might not have the power of dissolving Parliament. He mentioned the historical fact of the House of Commons, which, in the reign of Charles I. prevailed on that Monarch to pass an act, that they should not be subject to dissolution, and declared that he did not believe that either the Monarch or the Members had any idea at the time of the mischievous consequences which followed. As he wished the power of dissolving Parliament to remain in the Crown, in like manner he never wished to see powers given to the House of Lords to resist the constitutional conduct of the Crown; they knew not, what operation the power of restraining the Regent from creating Peers might have on the minds of the House of Lords.

Lords. He only looked to that clause when the other House might have an interest in opposing the repeal of the bill. They would now tell them, no doubt, that they did not mean to abuse it, and perhaps they would tell them so, truly, according to their present feelings and intentions; but there was no answering for human frailty. Ambitious men, entrusted with unlimited power, might grow fonder of it, in proportion to the length of time they possessed it, and at last refuse to part with it at all. Let them recollect the case of the republic of Rome, with regard to the Decemviri, who were magistrates appointed for the purpose of carrying the laws into execution for a year. They were at first the wisest and most able citizens of the republic, and all the executive power was entrusted in their hands for twelve months. By degrees, the time they were chosen for was increased; first, one year was added, and afterwards more, till at last they grew into such importance, and had attained to such an enormous pitch of absolute power, that, had it not been for the misconduct of one of them, the liberties of their country had been lost for ever. They ought, therefore, to profit by past experience, and to guard against a similar danger to their own country. He would, by no means, advise the trusting so much out of their own hands, as to suffer the restriction on the Regent from making Peers to go out of the House in the bill, without some limitation. It was objected, that the Regent might abuse the power of making Peers, and create too many; but, was that to be put in competition with the Lords refusing, at some future period, to join in a repeal of the act? There was no sort of proportion between the different degrees of danger to the constitution. On these grounds, therefore, Mr. Pulteney said, he should, as a rider to the bill, propose a clause for limiting that part of the bill which imposed restrictions on the Regent with regard to the power of making Peers, and the time which he meant to propose for that restriction to cease and determine, was three years; not that he proposed that period, under any idea that the Regency ought to continue the exercise of the Royal authority under any restrictions, so long as three years; but because if, unfortunately, they should be disappointed in their present hopes of His Majesty's recovery, he thought three years the outside of the time which, under any circumstances, the restrictions ought to continue.

Mr. Chancellor Pitt having premised that he had listened Mr. Pitt. to the honourable gentleman with that degree of attention which he was always desirous to pay to every suggestion which came from so respectable a quarter, added, that if he were right in his ideas on the subject of limitations of time, in respect to any of the restrictions imposed on the Regent,

the danger which the honourable gentleman wished to guard against, was more in theory, than likely to be carried into practice. That a majority of the Lords would wish to continue the resolutions, whenever it should be thought by that House proper to revise their proceedings, and alter them as the circumstances of the case might require, and that limitations ought to be fixed, was a proposition first started on debating the resolution in the Committee on the State of the Nation, and it had been suggested that they ought to fix a permanent time. He had then thought, and he continued to think, that there was no ground, and that there could be no ground, for the Lords to retain that power, whenever it should be necessary to repeal it. The whole of the bill was a permanent measure, and calculated to last only during the continuance of His Majesty's illness. They must, therefore, be at a loss what period of limitation to fix on, since they could not tell the precise period of His Majesty's illness. For this reason, he felt objections to limit the powers of the Regent to any time at all. And, another reason was, because if His Majesty's illness should unfortunately continue to any length of period, so that his recovery would become a matter of doubt, a matter which, thank Heaven, he had every day more and more reason to believe would not prove the case, a new Regency would then be to be settled, and that, undoubtedly, on very different principles. However, as the time taken for the limitation was three years, not, he conceived, with any view that the restriction in question, or any other imposed on the Regent, ought, under any circumstances, to continue so long ; since, whether they should have the happiness to see His Majesty recover, and become capable of resuming the exercise of his Royal authority, or not, the present system of the Regency ought to cease within that period, but with a view to name three years as the extremest time to which, in any possible consideration, any thing like a restriction could be supposed, with propriety, to extend.

Mr. Isaac H. Browne. Mr. Isaac Hawkins Browne stated that he had originally expressed a desire, that the restriction from making Peers might have some limitation ; yet, in the Committee, he had objected to a limitation which had been proposed, because that limitation was less than two years ; and though he had very great hopes that His Majesty's recovery would take place long before that period, yet he thought, that no limitation for a less period ought to be fixed by the bill in question.

Mr. Powys. Mr. Powys observed that, in his opinion, the clause appeared to intimate that three years was, in the idea of the House, the period during which the restrictions ought to continue.

continue. For his part, he wished not to confine that restriction with regard to the making Peers, to a limitation of time, because he thought that no restriction whatever ought to exist. But, if there must be restrictions on the Regent, he thought a limitation of three years too long a period. An earlier period than three years would enable Parliament to examine and reconsider the whole proceeding. With regard to their declaring, that by accepting the clause, it became the sense of Parliament, that the restrictions ought to continue for three years, Mr. Powys desired to enter his protest against so groundless an idea.

Sir *James Johnstone* observed, that after a Peer was once created, he became as independent the first day, as he was the Johnstone last; and, therefore, although he suspected almost every body, he did not suspect the House of Peers. He was of opinion, however, that if the restriction had been unlimited, there might, at one time or another, be a combination between the other House and that, against the Crown, and, therefore, he was happy that his honourable friend had agreed, when the restriction should cease.

The clause was read, and Mr. Pulteney moved, that the words "three years" be inserted in the blank.

Mr. *Sheridan* remarked, that his sentiments coincided with those of his honourable friend, in regard to the probability of the Lords refusing to open the door to their House, if by passing the bill without any limitation of the duration of the restriction, with respect to the Regent's power to make Peers, they suffered the power to pass out of their hands, and the door of the House of Lords to be once shut. Mr. Sheridan declared, that he was surprised at what the right honourable gentleman had said of the idea of the improbability of the Lords ever wishing to continue the power, when they once got it into their possession. The right honourable gentleman seemed to have forgotten that they had gone throughout the whole of their proceedings, not on probable dangers, but on possible dangers, and every danger which was morally possible to happen, had been most studiously and cautiously guarded against. That such an idea as the right honourable gentleman had stated, was implied by Parliament, was not, Mr. Sheridan thought, to be tolerated; the right honourable gentleman, and the gentleman behind him, seemed to have adopted a principle which might be extended for seven years, as well as three, and, therefore, not chusing to lend his sanction, to the principle, that the executive power ought to continue maimed and crippled by useless and harsh restrictions, for three years, he should move to leave out the words "three years," and that the words "one year" be inserted in the blank.

Mr. Pitt. Mr. Chancellor *Pitt* answered, that the honourable gentleman who spoke last, seemed to have done him more justice than the honourable gentleman near him, because he had expressly stated, that as they could not fix the precise period of the duration of His Majesty's illness, he would agree to three years as a period the most extreme and distant that could be taken; but, that if His Majesty should not recover soon, the restrictions ought to cease within the period proposed; and the honourable and respectable Member who had introduced it, had expressly stated a similar sentiment. How then could it be considered, that, adopting the words "three years" to fill up the blank under the construction which had been laid down, was making Parliament declare that its opinion was, that the restrictions ought to last for three years? With regard to the amendment proposed, would not the honourable gentleman, by what he was doing, defeat his own purpose? The honourable gentleman had observed, that he moved an earlier day, that it might not appear to be the opinion of Parliament, that Parliament thought the restrictions ought to continue three years. He should conceive, that the honourable gentleman would serve his purpose better, by withdrawing his amendment, and letting the original motion be put.

Mr. Sheridan. Mr. *Sheridan* answered, that if the motion for filling the blank with the words "three years" were carried, the right honourable gentleman had declared, that it would appear that it was not the opinion of the House that the restriction should continue for three years. This was, Mr. *Sheridan* said, the most extraordinary opinion he had ever heard, and, therefore, he should certainly persist in his amendment.

Mr. I. H. Browne. Mr. *I. H. Browne* contended, that he did not say that he was of opinion that the restrictions ought to last three years. He should have no objection to see the blank filled up with the words "two years" if it should be approved.

Mr. Powys. Mr. *Powys* observed, that if Mr. Chancellor *Pitt* had done him the favour to attend to his words, he would not have mistaken him. He had not stated, that the opinion of gentlemen should be recorded, but that the clause would be recorded with the limitation of three years in it, and, parliamentarily speaking, the inference from the words of the bill would be, that it was the opinion of the House, that the restrictions should continue for three years.

The question was put, and the clause filled up with the words "three years" agreed to, and ordered to stand part of the bill.

Mr. Sheridan. Mr. *Sheridan* begged leave to ask a question of the honourable and learned gentleman whom he saw opposite to him, the answer given to which would shew whether his amendment

ment was necessary or not. His Majesty had a power to grant a commission for opening Parliament; and he desired to know whether the King had not power to invest those Commissioners with full regal authorities. He found from the precedents with which they had been furnished, that in the case of Henry the Sixth, when the Duke of York was appointed to exercise the Royal authority in Parliament, it might be done. What he wished to know then, was, could the King do the same thing by a general commission; or whether, as in the case of Lord Hardwicke, in the year 1754, he must issue a second commission to give the Royal assent to any bill or bills?

The *Master of the Rolls* answered, that if the honourable gentleman meant to enquire whether the King could delegate ~~ter of th~~ the whole of his authority by one commission, he thought *Rolls*. he could not do so. That was, he could not, for instance, make his Attorney General King. To make any man King by attorney, was a power that the King of England did not possess. With regard to the commissions issued in Henry the Sixth's reign, in the cases of the Duke of Gloucester in the commencement, and the Duke of York in a subsequent period; in both those cases the commissions issued under the great seal, and were confirmed by Parliament.

Mr. *Sheridan* thanked the honourable and learned gentleman for answering him in part, but he had reasoned rather than answered him entirely. Mr. *Sheridan* proceeded to put his case again, and maintained that the commission appointing the Duke of Gloucester to hold the Parliament, and give the Royal assent to bills, was a case in point. The King was then a minor, incapable of acting for himself, as our King was at present incapable, though from another cause. Was there not in the King a power, not only to issue a commission investing Commissioners with authority to open Parliament, but to give the Royal assent to a bill, and to act in every instance with the Royal authority?

The *Attorney General* said, he would answer the honourable gentleman in three words;—the King cannot.

Mr. *William Smith* prefaced his motion for an amendment in the uniformity clause, by stating the harsh, illiberal, severe, ~~Mr. Wm Smyth.~~ and unjust penalties, to which the Protestant dissenters, among a variety of descriptions of sects, differing from the established church, were liable, in consequence of the statute of Charles the Second. The chief of these penalties were, and had long been, deemed obsolete, but they had never been formally repealed; the Protestant Dissenters lay, therefore, at the mercy of every informer. Mr. Smith mentioned some of these penalties and disabilities, one of which was, that a Papist should not practise the art of an apothecary in the City

City of London, under a heavy penalty. Surely, such a disability ought not to remain on the Statute book! He adverted to several others, and at length stated his amendment, the object of which was no more than to prevent any new difficulty being placed by the Regency bill, in the way of the repeal of the Test Act, if application should be made for such a repeal hereafter. It might possibly, he said, be asked, why he had not proposed the amendment in the Committee, the preceding evening? He had been ready to do it, but those who would have felt it their duty to object to it, if they found it objectionable, had wished for a proper opportunity of reading the Act of Uniformity, in order to see if any part of that statute would be trench'd upon by the amendment. Those persons, he understood, had since read that statute, and had found that the amendment was perfectly admissible.

Mr. Smith moved the amendment, and Lord Belgrave seconded it.

Master of the Rolls The *Master of the Rolls* expressed his concern, that the amendment had not been opened the preceding evening, and not moved thus on a sudden, and at the very moment before the bill passed. It was true, that there were, in the Statute of Charles the Second, many severe penalties and unjust disabilities, several of which had been since repealed by the Act of Toleration in favour of the Protestant dissenters, and he thought there were others remaining that ought to be repealed; but then, it should be done regularly, directly, and avowedly. At a fit time, he should have no objection to assist in framing a proper bill of repeal. King William took an oath, that he would preserve the establishment of the Church of England, and he was called upon by the Church of Scotland to give a security, that their establishment also should not be touched. The whole establishment of the Church was in the act, and therefore he must object to the amendment *in toto*.

Mr. Smith Mr. Smith said that he was willing to alter the wording of the amendment so as to remove objections. There remained on the Statute book penalties and provisions, which strongly partook of the spirit of persecution. Mr. Smith stated, in particular, the penalties against persons convicted of having spoken in degradation of the Book of Common Prayer; the penalty on the first conviction was ten pounds, and, if convicted a third time, the punishment was a forfeiture of goods and chattels, and imprisonment for life.

Mr. Pitt. Mr. Chancellor Pitt professed himself to be a zealous and firm friend to the established Church of England, and observed that the object of the honourable gentleman lay in a narrow compass. He proceeded to describe it, and to men-

tion the general heads of the act of uniformity. He also stated, that at the Reformation, their ancestors had not quite purged their liturgies, of which there had been two or three different ones, from the superstition of the Romish church. The offences created by the different statutes were indefinite; but the punishment was definite, and to a great extent.

Sir *George Howard* conceived that the amendment proposed was out of place, and that no alteration of acts, of so important and serious a nature, ought to be done by a side wind.

Mr. *Martin* desired to give his thanks to the Master of the Rolls, for having promised the Protestant Dissenters his assistance in preparing a bill to repeal some of the existing penalties and disabilities against them on account of their religious opinions.

Mr. *I. H. Browne* feared that the amendment would not do any good whatever; but occasion a clamour among the people, who might think that they had taken up the subject superficially. He therefore thought that the Regency bill should follow former Regency bills in those points.

Mr. *Addington* declared, that he was extremely anxious that the amendment should not be pressed to a division, as it did not come on regularly, and might injure the cause which it was intended to serve.

Mr. *Smith* remarked, that as he perceived there was no desire in the House for a division, he should not press the motion then, especially as other means of answering the same end, had been proposed. But he could not admit that it was any argument to say, that because the uniformity clause had stood in three former Regency bills, exactly as it did in the present bill, therefore it ought to remain unaltered. Upon that principle, an inexpedient provision would be multiplied *ad infinitum*. The motion was withdrawn.

Mr. *Alderman Newnham* declared, that he should blush for his want of spirit, could he for a moment hesitate to oppose the whole bill, excepting only that part of it which enacted, that the Prince of Wales should be Regent. He thought the provisions of the bill disgraceful to the honour of His Royal Highness. The Alderman spoke of the virtues of the Prince, and said, that he had been called to account the other day, because he had mentioned an act of His Royal Highness's benevolence, and an honourable and learned gentlemen had complained of the ostentatious parade of the Prince's charity, and asked if he had stated the fact with the knowledge of His Royal Highness? The Alderman said, he was at the time mentioning an act of public bounty, not an act of private charity of that kind, where

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the right hand ought not to know what the left hand did ; he had besides used it as an argument against their locking up money from the Prince as they did by that bill. The restrictions against making Peers, were limited to too long a time, and the reserving the household was the most absurd thing that could be imagined. For what did they do by it ? they gave splendor where it could not be seen, and took it away, where it was necessary to be exhibited. In fact, they gave the King what could not make him rich, and took from the Prince what made him poor indeed. The Alderman condemned the resumption clause, and said that he hoped, when His Majesty did come forward to resume the exercise of his Royal authority, which he heartily wished he might soon do, he would come forward in a manner free from suspicion, and that the minds of the people would be cleared.

Mr. Ald. Watson. Mr. Alderman Watson gave his explicit approbation to the bill itself, and to the various clauses of the bill, because they were consistent with his conviction, and that of his constituents. He took notice of an expression, which had, he said, called that distinguished class of men, the merchants, traders, and bankers of London, paupers ; at the time when the expression was used, he was in a situation which rendered it impossible for him to take notice of it, without violating the forms and orders of the House in the chair of the Committee. The Alderman adverted also, to another expression which had fallen from another honourable gentleman, who had just left his place, Mr. Powys. That honourable gentleman would not have dared to have said those words, had he been at liberty to have answered him. He did not choose to call for the protection of the House at the time, because he was conscious that he could protect himself. The honourable gentleman had said, that he must submit to the commands of the right honourable gentleman. 'Commands ! The right honourable gentleman had no commands but what were right.

Mr. Sheridan. Mr. Sheridan observed, that the worthy Alderman had inverted the old rule, and had proceeded to panegyrize the present and traduce the absent. Mr. Sheridan defended his two honourable friends from the charges, both of which, he said, were founded in misapprehension. He explained, that when Mr. Powys had talked of submitting to the right honourable gentleman's commands, he had himself addressed those words to the right honourable gentleman, who happened to rise at the same time, and persisted in his resolution to speak first with some degree of haughtiness. With regard to the word paupers, his other right honourable friend could not have said so foolish a thing, as such an expression would

have been, when applied to the merchants, traders, and bankers of London. Mr. Sheridan, after these explanations, went again into the question which he had before put to the lawyers, grounding his second application upon a clause which he moved, the object of which was to restrain His Majesty from granting any general commission, investing the commissioners with powers to open a Parliament, give the Royal assent to bills, and so forth.

Colonel Phipps remarked, that there needed not all the wisdom and knowledge to be gleaned from the learned dialogue, that the House had heard between Doctor and Student, to furnish an answer to the honourable gentleman's clause. He could not give his honourable friend a reason why his clause ought not to stand in three words, but he believed he could do it in a very few sentences. In the first place, no clause could possibly be received contrary to the general purview of a bill, as expressed in the preamble. If the honourable gentleman would look to the preamble, he would not find a single word about placing restrictions on His Majesty's exercise of his Royal authority, when he had an undoubted right to exercise it. The honourable gentleman reminded him of what he had often seen done by gentlemen on that side of the House. It was customary with the honourable gentlemen to cast personal motives on them, for things never intended, and afterwards to be themselves the persons to introduce most mischievous propositions. If it were necessary to restrain the power of the Crown, let it be done after His Majesty's recovery, not while he is lying on his bed of sickness.

The question was put on Mr. Sheridan's clause and negatived.

Mr. Brandling observed, that a kind of miscellaneous conversation having taken place, he thought it his duty to Brandling his constituents to declare, that he approved of the whole of the bill. Mr. Brandling spoke in terms of praise of Mr. Pitt's conduct throughout the proceeding, and in particular of his having agitated and brought to a decision the question of right; a question so important to the constitutional privileges of the two Houses of Parliament. Mr. Brandling concluded with a declaration, that so satisfied was he in his conscience, with the wisdom and rectitude of the measures which he had supported during the late parliamentary discussions, that he should cheerfully submit his conduct to his constituents, and rest his hopes of their future favour on his confidence in their approbation.

Mr. Grey rose to assert what he said, he ever would assert, Mr. Grey, as often as the subject was agitated, that no right whatever to exercise the Royal authority, independent of the auth-

rity of Parliament, had been claimed, or even urged. His right honourable friend had stated it to be his opinion, that such a right existed, but he had expressly declared, at the time, that he mentioned it merely as his private opinion, and without any authority whatever. With regard to the honourable gentleman's determination to justify himself to his constituents for his conduct, in order to notify which, he had thought proper to rise at that last stage of the business to defend the bill; the honourable gentleman need not have done so, since the list of voters which had been printed, might have shewn them what the honourable gentleman's conduct had been. The honourable gentleman, however, had now given no reason whatever for his having supported the right honourable gentleman, unless a panegyric on the right honourable gentleman could be called a reason.

The bill passed, and was ordered to be carried up to the House of Lords this day.

The House adjourned until

Monday, 16th February.

When no debate occurred.

Tuesday, 17th February.

The House only received accounts and petitions, and then adjourned to

Friday, 20th February.

Mr. Chancellor Pitt moved, "That the House adjourn to Tuesday next."

Before the Speaker had finished putting the question, Mr. Vyner rose, and remarked, that a motion for adjournment to Tuesday, at that period of the session, when no part of the public business was gone through, without a single reason assigned in justification of such adjournment, appeared to him to be a most extraordinary and unprecedented proceeding. He could easily guess at the reason for so singular a step, and if he was right in his conjecture, the reason was a most joyous one to that House, and the country in general, [An universal cry of Hear ! hear !] but he could not help wishing that they might have the satisfaction of hearing the reason stated by such high authority as the right honourable gentleman, in order to enable them to communicate it to their constituents with confidence.

The question was put, and the House adjourned to

Tuesday, 24th February.

When, and also upon

Wednesday, 25th February,

No debate occurred.

Thursday, 26th February.

Mr. Chancellor Pitt observed that, as the House of Lords Mr. Pitt had adjourned to Monday, and no public business was likely to come before the House, during the remaining days of the week, he should take the liberty of moving, "That the House, at its rising, do adjourn till Monday next."

The same was, upon the question put, carried.

The House adjourned.

Monday, 2d March.

Mr. Chancellor Pitt remarked, that it scarcely appeared Mr. Pitt necessary to remind the House, that the late interruptions of public business had been occasioned by the happy circumstance of His Majesty's recovery. In order, therefore, to allow as much time to confirm that recovery, as the state of public affairs would admit, he meant to propose a short adjournment, to which he hoped there would be no objection; and therefore, with leave of the House, he would move, "That, at their rising, the House do adjourn to Thursday next."

This motion was agreed to *nem. con.* and the House adjourned to

Thursday, 5th March.

Mr. Chancellor Pitt observed, that the present happy situation of His Majesty's health enabled him to acquaint the House, that he hoped to have the satisfaction of making a communication to them from His Majesty, on Tuesday next. He therefore moved, "That the House, at its rising, adjourn to Tuesday." Agreed to *nem. con.*

The House adjourned to

Tuesday, 10th March.

A message was brought by Sir Francis Molyneux, Gentleman Usher of the Black Rod :

" Mr. Speaker,

" The Lords, authorized by virtue of His Majesty's Commission, desire the immediate attendance of this honourable House in the House of Peers, to hear the commission read."

Accordingly, the Speaker, with the House, went to the House of Peers. And being returned,

The Speaker reported, that the House, at the desire of the Lords, authorized by virtue of His Majesty's commission, that the House might hear the commission read, had been at the House of Peers; where the Lord High Chancellor of Great Britain, sitting, with several other Lords, on a form, between the throne and the woolsacks, said to the effect following:

“ My Lords, and Gentlemen,

“ His Majesty not thinking fit to be present here this day in his Royal person, has been pleased to cause a commission to be issued under his great seal, authorizing and commanding the Commissioners who are appointed by former letters patent to hold this Parliament, to open and declare certain further causes for holding the same, which commission you will now hear read.”

That then, the said commission being read, which was to the purport of what the Lord Chancellor had said, the Lord Chancellor, as one of the Commissioners, made a speech to both Houses of Parliament; of which, the Speaker said, he had, to prevent mistakes, obtained a copy, which he read to the House, and is as followeth, viz.

“ My Lords, and Gentlemen,

“ In obedience to His Majesty's commands, and by virtue of both commissions already mentioned to you, one of which has now been read, we proceed to lay before you such further matters as His Majesty has judged proper to be now communicated to his Parliament.

“ His Majesty being, by the blessing of Providence, happily recovered from the severe indisposition with which he has been afflicted, and being enabled to attend to the public affairs of his kingdoms, has commanded us to convey to you his warmest acknowledgements for the additional proofs which you have given of your affectionate attachment to his person, and of your zealous concern for the honour and interests of his crown, and the security and good government of his dominions.

“ The interruption which has necessarily been occasioned to the public business will, His Majesty doubts not, afford you an additional incitement to apply yourselves, with as little delay as possible, to the different objects of national concern which require your attention.

“ His Majesty has likewise ordered us to acquaint you that, since the close of the last session, he has concluded a treaty of defensive alliance with his good brother the King of Prussia, copies of which will be laid before you; that His Majesty's endeavours were employed during the

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" last summer, in conjunction with his allies, in order to prevent, as much as possible, the extension of hostilities in the North, and to manifest his desire of effecting a general pacification ; that no opportunity will be neglected on his part to promote this salutary object ; and that he has, in the mean time, the satisfaction of receiving from all foreign Courts, continued assurances of their friendly dispositions to this country."

" Gentlemen of the House of Commons,

" We are commanded by His Majesty to acquaint you, that the estimates for the current year will forthwith be laid before you ; and that he is persuaded of your readiness to make the necessary provisions for the several branches of the public service."

" My Lords, and Gentlemen,

" We have it particularly in charge from His Majesty to assure you, that you cannot so effectually meet the most earnest wish of His Majesty's heart, as by persevering in your uniform exertions for the public welfare, and by improving every occasion to promote the prosperity of his faithful People, from whom His Majesty has received such repeated and affecting marks of invariable zeal, loyalty, and attachment, and whose happiness he must ever consider as inseparable from his own."

Earl Gower observed that, under the full conviction how little he was entitled, in consequence of his limited abilities, to challenge the attention of the House, as a public speaker, he should have remained silent, had he not been induced by the happiness of the occasion, to utter the sentiments of his heart ; a heart rejoicing in common with all those of his fellow-subjects ; yet, as the gladness of the present moment was not only felt by that and the other House of Parliament, but by the whole nation, he was under no embarrassment in rising to congratulate the country on the happy circumstance of His Majesty's recovery. They had, for five months, been in the state of an interregnum, from which they were now most fortunately relieved. Their late melancholy situation and the present joyous occasion might be compared to those of a ship which had been dismasted by a sudden storm, but having its rudder sound and entire, by falling right forward, had happily entered the harbour. He therefore congratulated his fellow-subjects on the pleasing prospect of continuing to live under the happiest and the best of Governments. With regard to the other topics alluded to in the Speech, weighty and important as they were, considered with a view to their connection with the great interests

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Gower.

rests of the country, they appeared to him to be light and trivial, compared to the joy of the present occasion; and, therefore, he would not detain the House by insisting upon any one of them, but content himself with moving,

“ That an humble address be presented to His Majesty, to return His Majesty the thanks of this House for the Speech which has been delivered, by His Majesty’s command, to both Houses of Parliament.

“ To congratulate His Majesty on the happy event of His Majesty’s recovery from his late indisposition, and on his being enabled to attend to the public affairs of his kingdom.

“ To assure His Majesty, that we acknowledge, with the most heartfelt joy and gratitude, the goodness of Almighty God, in restoring His Majesty to the wishes and prayers of his faithful subjects; and to express our earnest hope, that His Majesty may long continue to rule over an affectionate and grateful people.

“ To lay before His Majesty our dutiful acknowledgements of the favourable sense which he entertains of our affectionate attachment to His Majesty’s person, and of our concern for the honour and interest of his crown, and the security and good government of his dominions.

“ To assure His Majesty, that it shall be our constant endeavour to merit His Majesty’s good opinion, by labouring to promote the happiness of his People; and that we will apply ourselves, with as little delay as possible, to the different objects of national concern which require our attention.

“ To return His Majesty our humble thanks for being graciously pleased to order a copy of the treaty of defensive alliance between His Majesty and the King of Prussia to be laid before us.

“ To express our sense of His Majesty’s just regard to the interests of his subjects, and the peace of Europe, in his endeavours to prevent the extension of hostilities in the North, and his desire to effect a general pacification: and to testify the satisfaction with which we learn that His Majesty continues to receive assurances of the favourable disposition of the other Courts of Europe towards this country.

“ That we shall proceed with cheerfulness to make the necessary provision for the several branches of the public service.

“ That we observe, with the utmost gratitude, the paternal expressions of His Majesty’s regard for the happiness of his People, whose invariable sentiments of zeal, loyalty, and attachment to His Majesty, are animated and confirmed

“ firmed by the uniform experience of His Majesty’s virtues, “ and by the sense of the blessings which they enjoy under “ His Majesty’s auspicious Government.”

Mr. *Yorke* rose to second the address. He began with apologizing for his incompetency to do justice to any subject, which required the exertion of great parliamentary talents, and declared, that had such been the case at present, he certainly should not have presumed to have intruded himself upon the House; but, the fact being different, the apprehensions he might otherwise have entertained, were, he owned, considerably diminished. Called upon, as they were, to vote an address to His Majesty, on his recovery from a severe indisposition, which had impressed his subjects with the most melancholy sensations, every man must feel the sincerest joy, and the most heartfelt satisfaction. He was unwilling, he said, to allude to any thing that had passed in former debates, that could revive any difference of opinion, or tend to prevent that unanimity which ought, in his judgement, to distinguish the vote of the House on that day; but, he trusted that he should not be accused of any disposition to disturb the harmony which every man must wish should prevail on such an occasion, by reminding the House, that they had reason to congratulate themselves on their having proceeded with more caution than expedition, and on the steady and zealous attention which they had uniformly shewn equally to maintain the dignity of the Crown, and to preserve the rights of the People. It must also be a great source of exultation to them, to find that His Majesty was able, on his return to the exercise of the duties of his office, not only to approve, but likewise to applaud their proceedings. After pointing out other grounds of satisfaction arising from the circumstances of the moment, Mr. *Yorke* said that he would, in as few words as possible, touch upon the other topics alluded to in His Majesty’s speech. It was, he thought, an auspicious circumstance, that the speech which announced His Majesty’s happy recovery, should be the first also to make mention of a most important foreign alliance. Nothing on the subject of popular alliances had, he believed, for some years been stated in a speech from the Throne; not that he meant to impute any blame on that account to the immediate predecessors in office of the right honourable gentleman below him, or to any Ministers during any part of the period to which he alluded, but merely to observe, that the alliance with the King of Prussia, as well as the present flourishing state of our commerce and credit, was, in his opinion, a proof not only of the wisdom and talents of his right honourable friend, but of the confidence which was reposed in him by foreign na-

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Yorke.

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tions, as well as by the people of this country. After expatiating on the promising prospect to be drawn from this circumstance, Mr. Yorke said that he hoped that no objection would be made to that part of the speech which he had just mentioned, and his reason for hoping it was, that when the right honourable gentleman, whom he then saw in his place, had applauded the measures of His Majesty's Ministers respecting Holland, the right honourable gentleman had expressly stated that he approved of those measures, under the expectation that His Majesty's Ministers would not rest there, but would follow up the Restoration of the Prince of Orange to his authority with such alliances with other foreign powers, as should best conduce to strengthen and promote the interests of Great Britain. Mr. Yorke declared that the address had his entire approbation, because he thought that no language could be too strong to express their sense of His Majesty's disposition on every occasion to manifest his regard to the Constitution, and to promote the happiness of all his subjects.

As soon as the address had been read from the Chair, **Mr. Fox.** Mr. Fox observed, that he was far, very far, indeed, from rising for the purpose of preventing the unanimous vote of the House, nor of disturbing, in any degree whatsoever, the harmony which all must eagerly desire to find prevailing on the present joyful occasion. He declared, that he trusted and hoped that the address would be carried with unanimity, and that it would pass *nomine contradicente*; but, he could not avoid remarking that the honourable gentleman who spoke last, seemed to have studied, and taken considerable pains to prevent, if it were possible, that unanimity and harmony so generally to be desired on such an occasion as the present, and to create a difference of opinion. He saw nothing in His Majesty's speech which seemed liable to objection; nor was there any part of the address open to an exception. He had listened to the noble Lord who moved the address, with great attention, and he had never listened to a mover of an address with more satisfaction. The noble Lord had not only moved it with great ability, but, if he would allow him to say so, in a manner which did more honour to his heart than his head. The noble Lord had moved it like a man of understanding, because he had expressed the feelings of a man, and the feelings of a loyal and faithful subject to his Sovereign. He had moved the address with as much elegance as he had ever witnessed, and, in his mind, with as much judgement. The noble Lord had judiciously passed over the other topics stated in the speech, because, undoubtedly, every man must feel that His Majesty's recovery was so far the paramount topic, that all others, weighty and important as

they were in themselves, appeared light and trivial in comparison to it, as the noble Lord had well hinted. The honourable gentleman, on the other hand, who had seconded the address, had thought proper to mingle with the congratulations of that House on the happy recovery of the Sovereign, praise and panegyric on the personal conduct of the King's Minister. On such a day as that, at least, Mr. Fox said, he conceived that the right honourable gentleman might have been kept in the back ground by his friends, in order to let His Majesty stand forward as the only prominent figure in the picture. With regard to the expressions of applause bestowed on Parliament by His Majesty, he had no objection to them, because he thought it the sort of language which it were always to be wished His Majesty should hold to his Parliament; but, he had never understood that it was either fit or constitutional to consider such applause, as applying to the conduct of His Majesty's Ministers, in the particular manner in which the honourable gentleman, who seconded the address, had chosen to consider it. The right honourable gentleman, he should suppose, did not himself so understand it; and the reason why the right honourable gentleman, he presumed, did not so understand it, was, because looking upon the present speech from His Majesty, as he did upon all other speeches from the Throne, as the speech of the Minister, the right honourable gentleman, he conceived, would not say that a Minister ought not to take advantage of such a vehicle, and by such means praise his own measures a second or a third time. He did not, besides, believe His Majesty meant to signify any such opinion of the late proceedings, as the honourable gentleman had intimated, and he would fairly tell the honourable gentleman why he did not think it possible for His Majesty to have given any such opinion. It fell to his lot to know from authority, that those who could alone inform His Majesty of the reasons and grounds of the different opinions and doctrines which had been formed and maintained, had not an opportunity of giving his Ministers any such information, and he knew His Majesty's sense of duty and regard to justice too well, to believe, that without any explanation on the subject, His Majesty would decide his opinion. Mr. Fox added, that notwithstanding the pains which the honourable gentleman had obviously taken to effect such a purpose, the honourable gentleman should not prevent him from voting for the address; and he would farther tell the honourable gentleman, that it was not only unparliamentary and unconstitutional, but disloyal in the highest degree to His Majesty, to assert, that those who differ in opinion from His Majesty's Ministers, and oppose their measures, may not be as sincerely at-

tached to the Sovereign, as any other description of his subjects whatever.'

The address was agreed to *nem. con.* And it was ordered,
 " That a Committee be appointed to draw up an address,
 " to be presented to His Majesty, upon the said resolution."

A Committee was appointed accordingly, and they withdrew immediately into the Speaker's Chamber.

It was also ordered, " That the speech of the Lords Commissioners appointed by His Majesty for holding this Parliament, and for opening and declaring certain farther causes for holding the same, to both Houses of Parliament, be referred to the said Committee."

Marq. of Graham. The *Marquis of Graham* now rising, observed, that the next step necessary for the House immediately to take, in order to make their proceeding complete, was, to vote a message to Her Majesty, congratulating her on the recovery of the King. The Marquis urged the interest which Her Majesty had in the King's recovery, and declared that her conduct during His Majesty's illness had been so exemplary, and so amiable, that it had excited the admiration, not only of England, but of all Europe. He then moved,

" That a message be sent from this House to the Queen, humbly to congratulate Her Majesty on His Majesty's happy recovery, in which, whilst we feel the sincerest satisfaction on the behalf of the Public, we also cordially sympathize in the part which Her Majesty cannot but peculiarly take in so happy an event; and humbly to assure Her Majesty, that we always rejoice in every circumstance which can promote Her Majesty's domestic felicity, and reward those exemplary virtues which have long endeared Her Majesty to the nation."

The address was seconded by Mr. Hamilton.

Mr. Fox. Mr. *Fox* observed, that it was impossible for him to object against the motion, except upon the ground, that he believed it to be perfectly unusual. He reminded the House, that when, on a former occasion, an attempt was made on His Majesty's person, which had alarmed the whole nation very much, and drawn forth addresses from both Houses of Parliament, and all parts of the country, no address to the Queen had been thought of, though Her Majesty was undoubtedly as much interested in that event as in the present. He did not, therefore, know upon what principle it was, that they were now to address the Queen, which would not extend much farther. This he would venture to say, that if all Europe had admired the Queen's conduct during His Majesty's illness, there was another person, whose conduct all Europe had also admired, and whose character by that conduct had been illustrated, and had acquired additional splendor and dignity.

dignity in the eyes of all mankind. If Her Majesty was to be addressed, he saw no reason why the Prince of Wales ought not to be addressed.

Mr. Chancellor *Pitt* answered, that if he understood the right honourable gentleman correctly, he did not really object to the address, but doubted whether it was not unusual to address the Queen on His Majesty's recovery. He apprehended that the address, then moved, was made to the Queen, because there were precedents for such an address on their Journals, and none for addresses on such occasions, to any other branches of the Royal Family. Had there been any precedents, he saw no reason why an address should not be voted to the Prince of Wales, but there were none such. He mentioned the precedent in the reign of Queen Anne, when Prince George of Denmark had been dangerously ill, and upon his recovery that House addressed the Queen.

The address to Her Majesty was agreed to.

The House then ordered,

“ That the Marquis of Graham, Mr. James Hamilton, Lord Frederick Campbell, the Lord Viscount Belgrave, Mr. Comptroller of the Household, and Colonel Phipps, do attend Her Majesty with the said message.”

The House adjourned.

Wednesday, 11th of March.

Earl Gower reported from the Committee, appointed on the preceding day, to draw up an address to be presented to His Majesty, that the Committee had drawn up an address accordingly, which they had directed him to report to the House; and he read the same in his place, as follows:

The humble Address of the House of Commons to the King.

Most Gracious Sovereign,

“ We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain, in Parliament assembled, beg leave to return your Majesty our humble thanks for the speech which has been delivered, by your Majesty's command, to both Houses of Parliament; and to congratulate your Majesty on the happy event of your Majesty's recovery from your late indisposition and on your being enabled to attend to the public affairs of your Kingdoms.

“ We acknowledge with the most heartfelt joy and gratitude, the goodness of Almighty God, in restoring your Majesty to the wishes and prayers of your faithful subjects; and earnestly hope that your Majesty may long continue to rule over an affectionate and grateful People.

“ Permit us to lay before your Majesty our dutiful acknowledgements for the favourable sense which your Majesty entertains of our affectionate attachment to your Majesty’s person, and of our concern for the honour and interest of your Crown, and the security and good government of your dominions.

“ It will be our constant endeavour to merit your Majesty’s good opinion, by labouring to promote the happiness of your People; and we will apply ourselves, with as little delay as possible, to the different objects of national concern which require our attention.

“ We beseech your Majesty to accept our humble thanks, for being graciously pleased to order a copy of the Treaty of Defensive Alliance between your Majesty and the King of Prussia to be laid before us, and to be assured that we are deeply sensible of your Majesty’s just regard to the interests of your subjects, and the peace of Europe, in your endeavours to prevent the extension of hostilities in the North, and your desire to effect a general pacification. We learn with great satisfaction, that your Majesty continues to receive assurances of the favourable disposition of the other courts of Europe towards this country.

“ We shall not fail to proceed, with cheerfulness and dispatch, to make the necessary provision for the several branches of the Public service.

“ We should be wanting to ourselves, and to those whom we represent, if we did not testify, in the warmest manner, the gratitude with which we observe the paternal expressions of your Majesty’s regard for the happiness of your People, whose invariable sentiments of zeal, loyalty, and attachment to your Majesty are animated and confirmed by the uniform experience of your Majesty’s virtues, and by the sense of the blessings which they enjoy under your Majesty’s auspicious Government.”

This address was afterwards delivered in at the table, where the same was again read and agreed to, *nemine contradicente*.

The House ordered, that the said address be presented to His Majesty, by such Members as were of His Majesty’s most honourable Privy Council.

The House adjourned.

Thursday, 12th of March.

The order of the day being read, for taking into consideration the several petitions, complaining of the County Election Act, and for the House to resolve itself into a Committee of the

the same, the Speaker left the chair, and Mr. Stanley took his seat at the table.

Mr. Crewe moved a resolution, "that the Chairman be directed to ask leave to bring in a bill, to repeal the said act."

Mr. *Filmer Honeywood* remarked, that although the eastern Mr. Filmer Honeywood division of the county of Kent had not presented any petition against the bill, he had a letter in his pocket from the chairman of the quarter sessions, declaring, that it was the general sense of all the Magistrates of that division, that the bill ought to be repealed, on account of the very great expence and inconvenience to which it would put the county.

Mr. *Bearcroft* observed, that as he was the person who had the honour to introduce the bill, perhaps it would save Bearcroft the Committee much time and trouble, when he declared, that there was no intention whatever to make an opposition to the business, in that stage of the proceeding.

Sir *Charles Gould* begged leave to inform the House, that Sir Charles Gould he was instructed from the county of Radnor to say, that the Magistrates of that county objected to the bill upon the same principles, and were as anxious for its repeal as those gentlemen of the county which he represented, (Brecknockshire) and from whom he had presented a petition the preceding day.

Mr. *Rolle* observed, that he was one of the first to oppose Mr. Rolle the bill when in its progress through the House, but although he had no petition to present against it from his constituents, he knew it to be the general sense of the gentlemen of the county of Devon, that the bill ought to be repealed; and, therefore, he agreed with the honourable gentleman over the way in the motion which he had made, "to resolve that the Chairman ask leave of the House to bring in a bill to repeal the said act."

Mr. Stanley reported that the Committee had desired him to make a motion.

It was then moved, "that the report be now received," which being agreed to, Mr. Stanley moved "for leave to bring in a bill to repeal the said act," which upon the question being put, was ordered.

The House adjourned.

Friday, 13th of March.

Lord Courtoun reported His Majesty's answer to the address of that House of Tuesday last, which was as follows :

" Gentlemen,

" I thank you most cordially for this loyal and dutiful address.

“ Your warm expressions of congratulation, and the signal proofs which I have repeatedly received of the sincere and affectionate attachment of my faithful Commons, and of the nation at large, have made an impression on my mind, which no time will ever efface.”

The House adjourned.

Saturday, 14th of March.

The Marquis of Graham acquainted the House, that the gentlemen appointed to attend Her Majesty with the congratulatory message of the House, had attended Her Majesty accordingly, and that Her Majesty was pleased to say :

“ Gentlemen,
“ I am extremely sensible of this signal mark of duty to the King, and attention to me, from the House of Commons.
“ The anxiety shewed by all ranks of people, during His Majesty’s illness, and the joy on his recovery, must be a lasting proof of the loyalty and affection of a grateful and free People.”

Secretary at War. When the *Secretary at War* presented the army estimates, he observed, that the pressure of time was such, in consequence of the late unavoidable delay of public business, that he hoped the House would have no objection to take the army estimates into consideration upon the ensuing Monday.

General Burgoyne. General *Burgoyne* remarked, that whilst he fully assented to the declaration that the pressure of time was great and unavoidable, he could not avoid expressing his opinion, that, as notice had been given, that the navy estimates would be submitted to the consideration of the House on Monday, it would be altogether unprecedented to take the army estimates into consideration on the same day. He therefore trusted, that the right honourable Baronet would delay the consideration of the army estimates till Tuesday.

Secretary at War. The *Secretary at War* answered, that the army estimates must be taken into consideration in a Committee of Supply, and a Committee of Supply, according to the forms of the House, could not sit on Tuesday. He believed, besides, that if they waited till the next Supply day, (Wednesday) the Mutiny Bill could not pass in time, and the votes on the navy estimates would be merely the number of seamen for the current year. The notice, therefore, was agreed to.

Monday, 16th of March.

The order of the day being read, on the motion of Mr. *Hopkins*, for going into a Committee of Supply, and the navy, army, and ordnance estimates having been referred to

the said Committee, a short conversation took place, upon the propriety of voting the estimates altogether, between Sir Grey Cooper, the Secretary at War, Sir William Moleſworth, General Burgoyne, Colonel Fitzpatrick, and Mr. Chancellor Pitt.

Sir *Grey Cooper* observed, that although he was ready to Sir *Grey Cooper*. acknowledge, that the pressure of time was urgent, and that the necessity of voting such parts of the estimates as had any reference to the Mutiny Bill as speedily as possible, made the case extremely different from the ordinary circumstances of former sessions; yet, conceiving that the part of the estimates of the army which referred to guards and garrisons, was the only part involved in the consideration of the Mutiny Bill, he hoped that no more of the estimates would be voted that day, as the other parts of the estimates did not press for dispatch, and it was altogether unusual to have the army estimates laid on the table on a Saturday, and the House called upon to vote them on a Monday. Sir Grey added, that he understood there was some difference in the plantation estimate respecting the force in India; and that Wednesday would be early enough to vote the estimates so as to pass the Mutiny Bill in time, as the resolutions of the Committee of Supply might be reported on Thursday, and the Mutiny Bill not being a Money Bill, be brought in the same day, and passed in the course of a day or two.

The *Secretary at War* trusted, that it was needless for him Secretary at War. to declare, that he did not feel the most distant wish to press the Committee to vote any part of the estimates, without further and more mature consideration, excepting only such parts as were connected with the Mutiny Bill, unless it should be the opinion of the Committee then to vote them. He had therefore no objection to waive voting any such heads as might appear to require further discussion, and was extremely ready to give every gentleman the fullest satisfaction as to any part of the estimates that should be thought to call for explanation. With regard to the estimate for India, there was no difference whatever, as to the general force in that part of the world, but the alteration merely went to the recruiting service, and gave power to change a regiment of infantry into cavalry, which would cost no more than three or four hundred pounds.

Sir *William Moleſworth* observed, that there was some part Sir Wm. of the ordnance estimate extremely important, and well worthy of attention. He hoped and trusted, therefore, that the House would not vote away so large a sum as 40,000l. without farther consideration. Moleſworth.

General *Burgoyne* saw no reason for hurrying those parts of General's the estimates, which were not absolutely urgent to be voted, Burgoyne on

on account of the Mutiny Bill. He should think that Wednesday was too early a day to take them into consideration, and as it was usual, when they had not, by the peculiar circumstances of the session, been so much pressed for time, to have the estimates lie upon the table for ten days or a fortnight, before they were submitted to be voted, he should imagine that more than four days ought to be allowed in the present instance.

The order of the day being read, the House resolved itself into a Committee of Supply, when

Mr. Hopkins. Mr. *Hopkins* stated the nature of the navy service, and its requisitions for the current year, and after having explained all the circumstances of the subject, moved,

" That it is the opinion of this Committee, that twenty thousand seamen be voted for the year 1789, including 3860 marines." and

" That it is the opinion of this Committee, that four pounds per month, for thirteen months, be issued for the pay of the said twenty thousand seamen, including ordnance for the sea service."

The Secretary at War then moved,

" That it is the opinion of this Committee, that a number of land forces, including 1620 invalids, amounting to 17,448 effective men, Commission and Non-Commission Officers included, be employed for the year 1789."

" That a sum not exceeding 658,652l. 19s. 1d. be granted to His Majesty, for defraying the charge of the said forces, for guards, garrisons, &c. for 1789."

" 315,915l. 8s. 9d. for the forces and garrisons in the plantations, and Gibraltar."

" 2,891l. 11s. 1d. for making good the deficiency on the charge of a difference between the British and Irish establishments of several regiments and companies of foot."

" 8,245l. 10s. 1d. for defraying the difference between the charge of the British and Irish establishments, of seven regiments of foot, serving in North America and the West Indies, for 365 days, from the 25th of December, 1788, to the 25th of December, 1789."

" 11,435l. 12s. 10½d. for pay necessary to be advanced to one regiment of light dragoons, and nine battalions of foot, for service in the East Indies."

" 1,023l. 11s. 10d. for making good the deficiency on the charge of the full pay of supernumerary officers for 1789."

" 10,871l. 14s. 10d. for defraying the charge of full pay to supernumerary officers of His Majesty's forces for 1789."

" 640l.

“ 6400l. 8s. for the pay of the General and Staff officers of Great Britain, for 1789.”

“ 63,043l. 5s. for allowances to Pay Master General, Secretary at War, Commissary General, Judge Advocate, Comptroller of Accounts, their Deputies, Clerks, together with Exchequer fees and poundage.”

“ 172,787l. 5s. 5d. on account of reduced officers of His Majesty’s land forces and marines, for 1789.

“ 212l. 14s. 7d. for defraying allowances to several officers and private gentlemen of the two troops of Horse Guards reduced, and to the superannuated gentlemen of the four troops of Horse Guards for 1789.”

“ 3,392l. 14s. 2d. on account of the several officers late in the service of the States General, for 1789.”

“ 55,092l. 10s. od. on account of reduced officers of His Majesty’s British American forces for 1789.”

“ 4,907l. 10s. od. for allowances to several reduced officers of His Majesty’s American forces.”

“ 9,943l. 3s. 3d. for pensions to widows of commission officers, and the expences attending the same.”

“ 177,465l. os. 8d. for the in and out pensioners of Chelsea Hospital for 1789.”

“ 4000l. os. od. on account of expences of new roads, buildings, and bridges, in the Highlands of North Britain.”

In the course of voting these resolutions,

The *Secretary at War* observed, that if there was no particular objection, he could wish that the Committee should vote the plantation estimate, as there was no other difference in it, from the estimate of last year, than that which he had mentioned respecting recruiting the regiment of cavalry in India.

Sir *Grey Cooper* said, that he did not mean to press his objections, if it was the wish of Government to vote the plantation estimate immediately.

The *Secretary at War* answered, that he conceived there was no objection offered to any part of the plantation estimate; at War and if that was the case, being in the Committee, why should not the estimate be voted, without giving the Committee the trouble of sitting again, merely to vote an undisputed estimate.

Colonel *Fitzpatrick* observed, that he did not conceive the estimate to be so free from objection as the right honourable gentleman appeared to imagine. It was allowed on all hands, that the usual form of proceeding had been, to let the estimates lie upon the table for some days before they were voted, and that nothing but the pressure of time, occasioned by the singular circumstances of the session, justified the voting any

part of them so suddenly as it was intended to do. He therefore imagined that they ought to adhere as close to their usual forms of proceeding as they could, and not vote such parts of the estimates immediately as were unconnected with the mutiny bill.

Mr. Pitt. Mr. Chancellor *Pitt* observed that, in point of form, if they referred to the journals, gentlemen would find that there was no fixed rule of proceeding, but that the forms of voting the estimates in respect to the time that they laid upon the table, previous to their being voted, was varied as often as the occasion for dispatch differed. The same question had been agitated the preceding session, and the fact had been found to be as he had stated it; but, although he was ready to confess that there was no pressure in point of time respecting the voting such parts of the estimates as were not connected with the mutiny bill, gentlemen were exceedingly mistaken if they thought there was nothing of convenience in voting them with as little delay as possible. He reminded the Committee, that, from unavoidable causes, they began the session at a late time of the year, and that the subject upon which they were talking had been fully discussed and determined, previously to the expiration of the last session.

The army resolutions were voted.

Mr. Aldridge opened the Ordnance Estimates, and proposed moving such parts only as referred to the mutiny bill. Mr. Aldridge moved,

“ 220,576l. 15s. 8d. for the charge of the ordnance of the office of ordnance and land service, for 1789.”

“ 9620l. os. od. for pay of five companies of military officers, for 1789.”

The same were read and agreed to, and the report ordered to be received upon the morrow.

The Committee of Supply was then adjourned.

A motion was made for an account of Exchequer bills to be laid before the House, which, upon the question being put, was ordered accordingly.

The House adjourned.

Tuesday, 17th March.

The order of the day being read for Lord Newhaven's motion, he moved, after some short explanatory remarks,

“ That an account of the amount of the public debts, as they stood at the receipt of His Majesty's Exchequer on the 5th of January, 1789, with the annual interest and other charges payable thereon, be laid before this House.”

The motion passed in the negative.

He next moved for “ An account of outstanding debts on the 5th of January, 1789.”

- “ An account of the arrears of land taxes.”
- “ An account of the gross and neat produce of all the taxes.”
- “ An account of the produce of land and malt, for 1786.”
- “ An account of plantation duties.”
- “ An account of fines and forfeitures.”
- “ A state of the cash account of the customs.”

The Report of the Committee of Supply having been brought up by Mr. Gilbert, the same was read a first time, and, upon the question that the resolution, “ That 20,000 seamen be voted for the service of the current year,” be read a second time,

Mr. Dempster moved, “ That the part of the King’s speech which referred to the pacific assurances which His Majesty had the satisfaction of receiving from all foreign Courts respecting this country, might be read.” The same having been read accordingly,

Mr. Dempster expressed his apprehensions, lest the number of seamen stated in the resolution should, upon examination, prove to be two thousand more than the number voted last year, and therefore he had given his negative to the resolution, when the question had been put upon it, in the Committee of Supply. Being of opinion that nothing but the strictest economy, in time of peace, could enable this country to retrieve her resources, and empower her to support herself when involved in a war, he could not help thinking the voting two thousand additional seamen an extravagant waste of the public money. Without the strictest economy it was impossible to expect that the People could be relieved from the heavy load of taxes with which they were burthened; much less enabled to continual appropriating a million a year to the diminution of the public debt. Mr. Dempster added, that he had listened with great attention to His Majesty’s speech, and it had given him infinite pleasure to learn from that high authority, that we were declared to be in perfect peace, and that His Majesty had the satisfaction of receiving from all foreign Courts continued assurances of their friendly dispositions to this country. That being the fact, he saw no reason whatever for voting the additional two thousand seamen; for, surely, if, as had been stated the preceding day, about thirteen hundred were wanted for the East Indies, and a few additional hundreds for the Mediterranean, they might, in a time of profound peace, be spared out of the eighteen thousand voted, as they were, during the preceding year. Mr. Dempster remarked, that if the additional vote were for one year only, it would certainly lessen his objection, but not otherwise.

Mr. Pitt. Mr. Chancellor *Pitt* having premised that the honourable gentleman had himself recollect^{ed} so much of what had passed upon the subject on the preceding day, as, with great accuracy, to state that the reasons assigned for the additional two thousand seamen, were, that about 1300 were wanted for the East Indies, and about 700 for the Mediterranean, observed, that it was plain that the two thousand seamen, so wanted, could not be had without voting them, unless they were taken from some other service. With regard to the honourable gentleman's general declaration respecting œconomy, no person could carry his notions on that head farther than he did. He wished, on all occasions, to save money for the public, where it could be wisely saved; but, the best œconomy which any country could practise in time of peace, was to keep up such a force, and take such measures of defence, as should be most likely to insure its duration. It was with this view that the present additional two thousand seamen had been proposed, because while the country kept up a moderate, but necessary, force for its defence, it was the less likely that any other country would be tempted to disturb it by hostility.

Mr. Hussey. Mr. *Hussey* observed, that the truest œconomy discovered itself in not objecting to some little necessary expence, if the House could rest satisfied that the money asked for would be money well laid out. But, had the House any information before them, to enable them to pass a judgement, that the money which they were now called upon to vote, would be money well laid out? If that could be declared to their satisfaction, he owned he should not grudge the additional expence. The navy was, with him, and with the public, a favourite service; but, at the same time, he would ask the right honourable gentleman whether he could say, in looking forward to the finances of the country, that this additional establishment might be provided for, without imposing additional burdens on the People, or without endangering the annual provision of a million to be applied in diminution of the national debt. His Majesty's Ministers must know much better than they could, whether the additional expence now about to be incurred, was necessary; and if the servants of the Crown would say that it was necessary, perhaps, it might well become the House to submit; but, still they ought to be satisfied that it could be provided for, either out of the surplus monies, or savings, or in some other way, without occasioning the necessity of new taxes. The present, most certainly, was the time for asking questions, because it occurred at the beginning of their votes of supply, when, upon every consideration, the House ought to be satisfied

satisfied that they were not raising a ground for laying upon the People additional, and actually needless, burdens.

Mr. Chancellor *Pitt* answered that the state of the revenue would come under consideration in its regular course at some future period, and he would not then forestall the discussion of this subject; but, he held that whatever was the state of the revenue, the House ought to preserve the means of defence, so as to manifest that they were capable of preparing to repel any attack, should such be made at any moment. At the same time the revenue should certainly be kept up to the establishments, and by all means so as to yield the million to be applied in diminution of the national debt.

The resolutions relative to the Navy were then agreed to.

General *Burgoyne* opened his speech with the observation that the army estimates were not exactly the same as during the last year, inasmuch as the two regiments of life guards, which constituted the household troops, had been reduced, and altered. The alteration might be proper; but there was one circumstance which struck him as very extraordinary; indeed, so much so, that he could scarcely believe it, and that might be traced in the situation of the reduced officers. He had heard that they not only had their pay, but that they were allowed the power of selling their commissions. This power he considered in so extraordinary a light, that neither upon an economical or a military ground could he account for it, or even reconcile it to any principles of policy or reason. By giving every officer a full leave to sell his commission, every officer had a power of entailing the perpetuity of his pay on the country; and this, because that whenever a gentleman, holding one of those commissions, found his constitution fail, he had nothing to do, but to sell, and his successor would come into the nonentity of an ensigncy, lieutenantcy, or whatever rank the commission might give. The general contended, that any gentleman, who wished to see a favourite son in a red coat might purchase one of these cornetcies for him, and then a lieutenantcy, and so on up to high rank, which the son might thus reach and attain without ever seeing a soldier, or even knowing the nature of a firelock. He ridiculed this idea of making officers who would be saved from the danger of all the fatigues which those who went into actual service encountered. If the case were as he had heard it was, nothing could save the country the expence caused by the existence of these commissioners but apoplexies and sudden deaths. The general next adverted to the taking away Lord Lothian's regiment, which he considered as disgracing

which he had stated, and the inferences which he had drawn from it, and he would tell the honourable General in a few words, and as clearly as he could, why he did so differ. The honourable General had said that all mankind had agreed, that the Marquis of Lothian had been dismissed the service. He must answer from such grounds as he had in his possession, and those grounds did not warrant any such proposition. The Marquis had not been dismissed, but what had happened, came within the case of an officer removed from one regiment to another, and nothing more; nay, the ground on which the noble Marquis had declined the regiment which had been offered him, proved that this was actually the case. Whatever difficulty therefore, occurred in the arrangement, it arose from the noble Marquis himself. In conclusion, Sir George referred to the case of Colonel Acourt, and General Conway, and observed, that although they had lost their regiments, they were not dismissed from the service.

Colonel
Phipps.

Colonel *Phipps* remarked, that as a military man, he could not remain silent, under the supposition appearing to have been entertained by the honourable General (Burgoyne) that the conduct of the gentlemen on the administration side of the House, could deserve the harsh imputations which had been used. It was, the Colonel said, at all times painful to enter into discussions which referred to the personal conduct of any man; but the characters of officers were so peculiarly tender, that he could not help being surprised to hear such very strong expressions used, on such a subject, by a military man; and more especially when he considered who that military man was, and the particular circumstances of his own conduct. All which the honourable General had said relative to the household troops, he considered as merely calculated to introduce his real purpose with the better grace, and to create an appearance that what the honourable General had chosen to observe respecting the Marquis of Lothian, was not the sole object for which he had risen. Having last year delivered his sentiments respecting the household regiments, he would not now trouble the House with a repetition of his argument. The topic had been fully discussed at the time. But with regard to the case of the Marquis of Lothian, he would go farther in reviewing it than the right honourable gentleman behind him, and would not scruple to declare, that his dismissal was no disgrace, but warrantable, even if it were on the grounds of an offensive political conduct. The Marquis of Lothian was to be considered as having acted in a double capacity; not merely militarily as an officer of cavalry, but in a civil capacity, as an officer of the Court, personally

personally employed about His Majesty as a state attendant. Might not His Majesty then choose his own servants, and for any reason which he thought good, dismiss them from their attendance on his person? The noble Marquis did not object to the particular regiment which was offered to him, as if it were liable to any imputation; neither in fact was it liable to any imputation whatever. He saw not therefore, how any disgrace could apply to the noble Marquis, merely on account of his being removed from one regiment and offered another. No disgrace could attach in his case, any more than in the dismission of any other of the King's servants; and surely, if the King should even on a motive of caprice, or because he disliked the figure of a particular person in his service, and wished that such a figure might not stand close behind him, or at his elbow, chuse to dismiss him, who should say that he ought not to exercise his undoubted prerogative? To this remark, the Colonel added, that he did not entertain the most distant intention of becoming personally allusive, but merely meant to bring the case forward in the strongest, and, he trusted, the most incontrovertible point of view.

Mr. Fox remarked, that the declaration of the honourable Mr. Fox, gentleman who spoke last, that he meant merely to introduce an allusion to the circumstance of the Marquis of Lothian's having his regiment taken from him, should not prevent him from making some observations with respect to the army in general. Every Member of that House possessed not only an undoubted right to animadvert upon the conduct of the executive Government at all times; but it was a peculiar duty so to do, when the sums necessary for the services to be carried on by a particular department, was the subject of the vote under consideration. He would not go into a minute discussion of the army estimates, because the singular circumstances of the times were his justification for not mentioning again what he had debated in the course of the last year, but he should contend that their having been discussed then, was no reason whatever why they should not be discussed over again, were it not that the pressure of time, occasioned by the circumstances to which he alluded, rendered it improper. He remained, however, in the same opinion with respect to the augmentation of the preceding year, and of its application to the West Indies. He thought both the one and the other unnecessary and objectionable; and, in regard to the mode and manner of the latter, that it was peculiarly unwise and impolitic. Having said thus much of the army in general, he would proceed to speak to the circumstance of the Marquis of Lothian's dismission from his regiment. He declared that it had never been his habit to be

intimately acquainted with the Marquis; and if he were to discuss the word disgrace, with a view to its attaching to the Marquis of Lothian, in consequence of what had lately happened, he should, undoubtedly, agree with the honourable gentleman who had spoke last, that the Marquis of Lothian had suffered no disgrace in point of character, because an unimpeachable character could not be disgraced by any Minister, nor even by the King himself. Disgrace of character could only arise from a man's actions, and the judgement of the Public passed upon those actions. But, to say that the Marquis of Lothian had not been marked with the disfavour of his Sovereign, and disgraced, as far as that could disgrace him, was undeniable. The honourable gentleman, and the right honourable Secretary at War, had both contended, that it was merely a removal of an officer from one regiment to another, and that such a removal was no disgrace. The honourable gentleman had himself a company in the Guards; and if he were to be moved to the command of a company in a marching regiment, would he not think it a disgrace, professionally considered, and could he be satisfied with the idea that the figure of another officer was more agreeable to the King? At least, though the honourable gentleman might not find the difference of emolument arising from the alteration worthy his notice, he would feel the removal to be a disfavour, which almost amounted to a disgrace. Mr. Fox took notice of what had been said respecting the equality of rank in respect to the command of different regiments, and contended, that though the rank was the same, yet, when the emolument was materially different, it could not be possible to doubt whether a removal from the one to the other was a disgrace or not. With regard to the noble Marquis's having declined accepting one regiment, and being willing to accept another, the cause was obvious. One regiment had been commanded, in person, by his father at the battle of Culloden, and it was natural to suppose, that the Marquis, for a variety of reasons, might wish to have that regiment rather than any other, if he was to be removed. Mr. Fox ridiculed the idea of the Marquis of Lothian being to be considered as a person in a civil capacity, and as an officer of the household, and the strongest reason why Ministers themselves did not so consider him, he said, was, their leaving his dismission in the power of the Regent, when they were passing a bill, distinguished for their endeavours to consider and describe the household to as unlimited an extent as possible. Heaven forbid, he said, that he should dispute the King's prerogative of appointing or dismissing any officer of the army, without assigning any reason whatever. He hoped that this branch of the Royal prerogative never would be

be disputed; and he was glad to find that not one of his friends had that day called it in question. He would do justice to the other side of the House also, and admit that they had not defended their conduct, by resting on the prerogative, but had resorted to a distinction which he did not think could be supported in argument. He declared that he could not perfectly allow what had been said to have been the grounds for taking away the regiments of General Conway and Colonel Acourt; much less that there was any thing at all similar or analogous between the dismissal of the Marquis of Lothian, and the offering him another regiment, and the case of his honourable friend (General Burgoyne.) The difference was only this, the Marquis of Lothian was dismissed from his regiment, and offered a less lucrative situation; his honourable friend had resigned his regiment. He certainly afterwards accepted a regiment of infantry, but then, it was to be considered, that he accepted it from his own friends. With regard to the dismissal of the Marquis of Lothian, there were circumstances which not only placed it in no very favourable view, ~~but~~ circumstances which, in his mind, placed it in an unfavourable point of view. His Majesty, after having recovered from a severe and afflicting illness, was in a state which necessarily called for repose. It was, therefore, thought proper, and, he was ready to acknowledge, very wisely so thought, that no heavy business, or matters which might occasion much agitation of mind, should be submitted to his consideration; and yet, in the very moment when repose was necessary, His Majesty had been made the instrument of party views, and inspired with sentiments of political vengeance. He had been obviously used as the engine of ministerial revenge and punishment. Mr. Fox declared, that if ever there was an act of the Minister, and not of the Crown, it was in the present instance. He observed, that it happened to have fallen within his knowledge, that His Majesty had not had an opportunity of knowing, by listening to the necessary explanations, what were the motives and grounds on which certain opinions and conduct had proceeded, and therefore nothing of what had passed ought to have been stated to the Royal ear. This opinion of his had been corroborated in other places; he had himself heard, from the highest authority, that every point which had occurred respecting the unfortunate subject which had occupied the attention of Parliament, in the preceding part of the present session, ought to be buried in oblivion. He had heard this doctrine laid down in high and distinct terms. And, comparing that language with the circumstance to which he was alluding, he could not but feel the *violent contradiction* between the language of Ministers and their

their conduct. He protested that he should always contend, that military officers ought not to be removed for their votes in Parliament. No officers but those who held civil situations ought to be removed for any such reason. Suppose, for instance, that a change of Administration had taken place, and the noble Lord holding the other Gold Stick (Lord Amherst) had been dismissed, would not His Majesty's Ministers have thought it an extraordinary sacrifice to the party views of Opposition? Let it be recollected, that the present reign had been a reign of great contention, when powerful oppositions had existed in every part of it, and some honorable men, of the highest rank in the military profession, had taken part in such oppositions to the measures of Government. It had been, highly to the credit of the Government, the uniform practice, that the political conduct of such military men should not affect their professional situation. That laudable abstinence from the exercise of power had, in the present instance, been departed from, and at a time when it could not have been departed from without agitating the Royal mind improperly. It seemed as if the determination was, with respect to the military, to hold to them this language: " You may vote against Government, and the interests, as we think them, of His Majesty, but you shall not support the interests of the Prince of Wales." Whether this picture of the present politics of Great Britain be advantageous to hold out to foreign nations, Mr. Fox declared, he would leave to the judgement of the Public to decide. His honourable friend, he observed, had argued, that there could be no Minister for the military so fit as a Commander in Chief. He agreed with him completely; but declared that he was glad to hear that they had, for the first time, learnt, that they actually had such a person as a responsible Military Minister. The right honourable gentleman, (Sir George Yonge) he must confess, had come forward manfully, and acknowledged his responsibility; and when he said this, he supposed, though the right honourable gentleman had remarked that he was officially responsible, he meant not to take advantage of that word as a shield for his responsibility. With regard to his honourable friend's idea, that one of the Royal Family would be most fit to be a Commander in Chief, he agreed as to the propriety of the argument; the late events and discussions had shewn the branches of the Royal Family in the most favourable point of view, and had proved to the Public, that their great and illustrious rank was exceeded by the greatness of their minds, and the number of their virtuous qualities. It had evinced their moderation of temper, their affection to their father, and their firm and zealous attachment to the

Constitution; but, it could not be conceived that Ministers would admit of any one of the Royal Family being appointed Commander in Chief, since it was clearly a part of their system to represent to His Majesty that his own family were his bitterest enemies.

The report was afterwards agreed to *in toto*.

The House adjourned.

Wednesday, 18th March.

The order of the day being read, for the House to go into a Committee to consider of granting a supply to His Majesty; the House immediately went into a Committee, Mr. Gilbert in the chair.

The estimates having been previously referred to the said Committee,

Mr. Aldridge rose, and moved, "That it is the opinion of this Committee, that a sum, not exceeding 218,017l. "6s. 4d. be granted to defray the extraordinary of the office "of Ordnance for the service of the year 1789."

Sir Grey Cooper now rising, observed, that he could not Sir Grey hear, without the utmost surprize, a motion for so large a Cooper. sum to defray the charges of the Ordnance extraordinaries. It exceeded the estimate of the year 1786 by 111,000l. and it exceeded the estimate of the last year by 40,000l. It was necessary, before they voted away so large a sum of their constituents' money, that some reason should be given for so great an excess in the estimate. Sir Grey made several observations upon the extraordinaries for the plantations, which, he said, were enormously swelled; and particularized the Bahama Islands, for which there was an excess of 23,000l. over the estimate of the last year. He knew not whether other gentlemen felt as he did; he thought it his duty to throw out these hints, and left it to his friends to make more of them. He was of opinion, that a motion ought to be made on the report for such papers as might enable the House to judge what reasons existed for so considerable an excess, and what the extent was to which such estimates would proceed.

General Burgoyne expressed his wishes that the estimates might not so hastily be voted, as gentlemen were not aware General Burgoyne that the extraordinaries were to have been brought forward so early as that day, or the House would not have been so thinly attended. Those gentlemen who had firmly and successfully opposed the plan of fortifications, would not have been absent, and suffered so great an increase on the system of fortification, as evidently appeared to be carrying on in the West Indies, without opposing to it some necessary animadversions. He conceived, that the Committee ought to

be in possession of a calculation of the final expence of the measures proposed, previous to their voting the estimates. He condemned the erecting of fortifications in the West Indies, as useless, as a great and improper waste of money, and as likely to entail upon the country an excessive expence for the maintenance of soldiers to man those fortifications. He concluded, by saying, that if the Committee did proceed, he should this day, on the report, move for a final calculation of the expence to be laid before the House.

Mr. Pitt. Mr. Chancellor *Pitt* observed, that he felt the utmost astonishment, when he listened to the extraordinary remark of the honourable General, who maintained that the bringing forward of the extraordinaries of the ordnance was not expected by the House upon that day. Every gentleman had expected them on Monday, but, at the suggestion of some gentlemen on the opposite side of the House, they were deferred, and public notice was given, in a full House on Monday, that they would be brought forward on the present day. The honourable General had drawn as an inference from the thinness of the House, that gentlemen who were absent were averse to the extraordinaries, and would not, if they had known of their being to be brought forward, have failed of attending to give their opposition. He, however, conceived, that, from the public notice which had been given, and from the absence of gentlemen, that a more natural inference than the honourable General's might be drawn, and that it might be fairly conceived that there was nothing in the estimate to which they thought it necessary to object to. He must beg leave to contend, that the honourable Member argued very groundlessly, when he said, that those gentlemen who had firmly and successfully opposed the fortifications at home, would also, if they had been present, have opposed fortifying our West-India islands. He was of another opinion; there was much difference between fortifying Portsmouth and Plymouth, and the fortifying our islands; that difference had been marked by many gentlemen who had opposed the former, and at the same time had declared that they did not regard the latter as a fit object for their opposition. The degree of fortification thought necessary for the West-India islands, was indispensably requisite to be combined with the operations of our fleets for the proper protection and security of those islands. Though no military man, and by no means professionally qualified to contest such subjects with the honourable General, Mr. Pitt said, he should be ready to meet the honourable General on the question, and debate it, being perfectly convinced, that the erecting a citadel or place of force for the garrison of the island to hold out in, till a fleet could operate, was so obviously

viewly essential; that, in fair reasoning, the opposite doctrine could not be supported. With regard to the expence, that matter had been fully discussed during the course of the preceding year, when he recollects to have been particularly called upon to say what would prove its ultimate amount; and he then answered, that it was impossible to state precisely what might be the amount; but that, as nearly as he could conjecture, it would amount to a sum of between one hundred and eighty and two hundred thousand pounds. After a full discussion, the House granted eighteen thousand pounds, and, upon the same principle, thirty-six thousand pounds were asked for this year.

General *Burgoyne* protested that he could assure the right honourable gentleman, that he, for one, did not expect the subject to have been agitated that day, and that, to his knowledge, several other gentlemen were likewise unapprized of the circumstance. Although he should be extremely sorry to have the right honourable gentleman for his opponent, whether the subject to be discussed were a military question or a civil question, he should think it his duty to state his sentiments upon it, at the bringing up of the report.

Sir *William Molesworth* having premised that it was not his intention to take up a military argument with any man, but merely to say a word or two on a matter which he thought highly merited the notice of that House, remarked, that what he alluded to, was a wall erected round Mutton Cove, at Plymouth, at a very considerable expence to the Public, and which, notwithstanding that its object was merely to keep out cattle, proved at the same time a nuisance.

The Hon. Captain *Berkeley* having stated, from the estimates of the Ordnance for the current year, the several sums asked to be granted for the defence of the West India islands, observed, that with regard to the practice during the last war, to which the honourable Baronet (Sir *Grey Cooper*) had referred, it was on account of the very many blunders and inconsistencies of this war, that Government were now proceeding and endeavouring to guard against the effect of similar errors, should another war break out at any future period. In military matters, he should not presume to dispute with the honourable General (*Burgoyne*); but, on the necessity of the sort of fortifications in question, with a view to enable the fleets in the West-India seas to operate to their assistance in the period of assault, he would be at all times ready to meet his arguments. He reminded the House, that *Dominica* had been taken last war, under the very nose of Sir *George Rodney*, who was before it with his fleet, merely on account of the want of a fortress for the garrison to resort to, and thence become enabled to make resistance, till relief could

could be afforded. At that time, the island was taken for want of fortifications, and a number of guns, which had been sent over from this country, were seized by the enemy before there was an embrasure prepared for their reception. With regard to what had fallen from an honourable Baronet, (Sir William Molesworth) respecting the wall erecting near Plymouth, though the honourable Baronet had not any constituents there to instruct him, yet he might possibly speak from a neighbourly regard to the inhabitants. He would tell him, however, that the wall to which he had alluded, was recommended by the Administration of 1776, and if the honourable gentleman had been in his place, who generally did attend, and usually afforded so much entertainment on days, when the Ordnance estimates were under consideration, he should have recommended the honourable Baronet to that honourable gentleman for information. He had himself seen the wall, and knew that the cause of the present expence respecting it was occasioned by the unworkmanlike and incomplete manner in which it had been erected; owing, perhaps, to that characteristic of great abilities, indolence in those whose duty it was to see that it was properly finished. With regard to the wall itself, it was rather an ornament than a nuisance, and it was a little extraordinary in the honourable Baronet to state, that its sole use was to keep cattle out. It was the first time, Captain Berkeley said, that he had ever heard that cattle were fond of eating leaden aprons to guns and trucks. The real purpose of the wall was to keep out a very different sort of cattle; and these were the predators and trespassers of Plymouth dock.

Sir Wm.
Moles-
worth.

Sir *William Molesworth* answered, that it was impossible for him to avoid feeling pleasure at the discovery that he could afford the honourable gentleman some amusement; but he certainly alluded to other kinds of cattle than mere trespassers. To his knowledge, the land inclosed by the wall let for fifteen and sixteen pounds an acre.

Sir Grey
Cooper.

Sir *Grey Cooper* begged leave to remind the honourable gentleman who spoke last, that what had been called the blunders of the Administration of 1776, was a question not yet decided, and therefore he would say nothing upon the subject; but, he should maintain, that it was always a ruinous plan to erect large fortifications, because they required a number of men; and if they were not manned properly, and fell into the hands of the enemy, they might be turned against us, and assist in our defeat. Sir Grey observed, that 14,000 or 16,000 seamen were the highest numbers voted before the war of 1775.

Mr.
Bastard.

Mr. *Bastard* remarked, that had the same objections struck him to the proposed fortifications in the West Indies, which had

had impressed his mind relative to other fortifications formerly brought forward, he certainly should have opposed the estimates; but, as that was not the case, he should not object to them, because he did not mean to resist and oppose such measures of Government, as did not appear to be wrong. With regard to the wall in question, he had heard it complained of as a nuisance, and had been given to understand, that he should be furnished with a petition against it from his constituents, which he should certainly present when it came.

The motion was then read, and the estimates agreed to.

Mr. Aldridge then moved, "That it is the opinion of this Committee, that a sum, not exceeding 1924l. 1s. 8d. be granted to His Majesty, for the pay of one company of military artificers, for the year 1789." And,

"That it is the opinion of this Committee, that a sum, not exceeding 9306l. 4s. 1d. be granted to His Majesty, for defraying the expenses of the services performed by the Office of Ordnance for land service, and not provided for by Parliament, in 1788."

A motion was made by Sir Grey Cooper, "That there be laid before this House, an account of the income of, and the charges upon, the consolidated fund, in the respective quarters, ending the 5th day of July, 1788, the 10th day of October, 1788, and the 5th day of January, 1789."

The House adjourned.

Thursday, 19th March.

The report of the resolutions voted by the Committee of Supply on the Ordnance Estimates, having been brought up by Mr. Gilbert, and the resolutions read a first time, on the question being put, "That these resolutions be read a second time,"

General Burgoyne having premised that it could not have escaped the recollection of any gentleman present, that he, Burgoyne on the preceding day, imputed the thinness of the House to the circumstance of its not having been generally understood that the subject was to be brought forward, remarked, that he did not feel much disappointed, in finding that the House was not then fuller, since it might possibly have arisen from the same cause; but even although he should prove the single man in the House entertaining such sentiments as he did, he would stand up and avow his opinion upon the subject of the fortifications projected for the West-India islands. He did not believe that even one man existed, who was inclined to speak fairly, that would not readily allow that he should shrink from acting the part of a man, if he did not declare his sentiments freely, professing, as he did, to be strongly

impressed with objections to the plan of fortifying the West-India islands. Before he gave his consent to that system, he had a right, as a Member of Parliament, to call for the estimate of the whole of the expence incurred. The right honourable gentleman had, on the preceding day, stated, that the expence, as nearly as he could conjecture, would be about 280,000l. [Here, the General was reminded, that Mr. Chancellor Pitt had said, from one hundred and eighty to two hundred thousand pounds.] The General proceeding, remarked, that when the right honourable gentleman had stated that sum, he had, at the same time, declared that he could only guess that it would be about the sum which he had mentioned, but that it was impossible for him to ascertain it. Now, the House must feel, that before they proceeded to vote so enormous an expence, they ought to have the estimates upon the table. There was also another reason for calling for them, which was, that the estimates had not, as in a former instance, been submitted to the inspection of a Board of General Officers. This was, in his opinion, essentially necessary, because there were no people upon earth who differed so much in opinion as engineers. It was, in fact, the natural effect of science, to excite a difference of opinion, as different persons, in proportion to their degree of knowledge in a particular profession, would necessarily think differently upon the mode of best effecting the same purpose. It was, therefore, the more necessary to ascertain, beforehand, what should be the plan of fortifying the West-India islands, if any fortifications were thought proper, in order to guard against the great additional expence occasioned by alterations and changes in the mode of construction, while the works were carrying on. The noble Duke at the head of the Ordnance administration, had himself changed his mind many times in the course of carrying on the works which he had projected. Indeed, they who questioned the justice of this observation, need only go to Portsmouth and Plymouth to ascertain this fact, and they would see that the noble Duke had made continual changes in his own plan; insomuch, that it might be fairly said of him,

“Diruit, aificat, mutat quadrata rotundis.”

Whenever he spoke of the noble Duke, General Burgoyne desired to be understood as meaning to speak of him with every possible degree of respect. The noble Duke was, undoubtedly, a man of great talents and indisputable integrity; but, perhaps, he carried his prejudices in favour of the particular science of fortification somewhat too far. At least, standing up as a Member of that House, he must be allowed to say he thought so. That the noble Duke should change his

his plans during their progress in execution, was not at all wonderful. He had applied himself, with peculiar ardor and attention, to the study of the science of fortification; the noble Duke was a most diligent scholar, and it was natural for him, in proportion to his advance and improvement, to correct his own errors; he would only, therefore, say, that the noble Duke's learning, with respect to the particular science in question, had cost his country a great deal of money. Another estimate for which he should call, was, an estimate of the number of men that would be necessary to man the works intended, when they should be finished. This was a most essential circumstance, respecting which the House had not received any explanation. The General asked, whether the honourable gentlemen who were now ready and willing to vote the sums required for carrying on the fortifications, would, next year, be willing to vote an increase of men to double, perhaps to treble, the number now voted for the defence of the West-India islands? That climate proved so unhealthy, that it was generally deemed the grave of the British soldier; it often happening, that one third of the troops sent there died within three months, another part were in the hospital, and not more than a third were capable of answering the muster-roll, and doing duty. That the proper persons to man the works must be there in time of peace as well as war, should be admitted, or else all the arguments used in favour of fortifying the West Indies, must fall to the ground. The right honourable gentleman had, the preceding day, allowed, that a fleet was necessary to defend the islands; but, he had contended, that fortifications were also necessary, because they ought to enable themselves to prepare against any sudden attack. The General said, that he also was ready to grant, that where there were but few landing-places, fortifications might be necessary, in order to guard, at the beginning of a war, against surprize, or that sort of attack, which was professionally called a *coup de main*; but, he would maintain, that fortifications were no defence against the enemy, so as to preserve those islands; because those fortifications might prove a disadvantage rather than an advantage. He mentioned the taking of Guadaloupe, and observed, that it was easy for an enemy, on landing, to threaten a commander of a garrison, that if he did not capitulate, they would set fire to the island, and burn the whole of it. If this should be the case, what use would result from the talents of the ablest officer? Would the officer hold out? [A cry of hear! hear!] The General said, he hoped he would; but he doubted whether the clamour of the planters, their threats to join the enemy sooner than have their plantations destroyed, and a variety of other circumstances,

might not oblige the best officer to capitulate. But, to come to another point, and to suppose an island was taken, what would a French officer say, when called upon to capitulate, and threatened with the devastation of the island? His answer would be, "In the name of mischief, burn away!" The French officer would know, that at the end of the war, in all probability, the island would be restored by France to Great Britain, and therefore the less valuable it was rendered, the better. In all fairness of argument, therefore, it must be allowed, that the fortifications would, in effect, prove a disservice to us, and an advantage to the enemy; because it was evident that we could not use the same means of regaining an island as the enemy might resort to, for the purpose of obtaining its surrender. The General said, that he had only heard one military authority speak in favour of the system of fortification, and that was the authority of an honourable friend of his, (Sir George Howard) whom he did not then see in his place. To that authority he was generally ready to bow with submission; but, in the present instance, he could not help differing in his opinion. His honourable friend, he recollects, had quoted the opinion of the Marquis de Bouillé, who, his honourable friend said, had expressed his surprize that Great Britain did not fortify her islands. Now, he could not think that the Marquis de Bouillé, when speaking of a matter which so nearly concerned the interests of his own country, was not *sujet à caution*, and that when he publicly expressed his surprise at our not fortifying our islands, he did not really think as he spoke. The General observed, that he would not farther trespass upon the time of the House, nor, in the present pressure of affairs, urge his objections, but content himself with calling for the estimates which he had stated. He thought, for the reasons which he had mentioned, that the project of fortifying the West-India islands was highly chimerical, and that it was endless in point of expence, going far beyond the scope of the military establishment of this country. When they considered the population of Great Britain, and the force wanted for the navy, every proposition which tended to diminish the one, and to weaken the other, ought to be resisted. He conceived, therefore, that he stood on the firmest parliamentary ground, when, before he consented to vote a sum which might lead to ten times the sum supposed to be necessary, he called for the documents to prove the extent of the expence likely to be incurred.

Colonel Phipps observed that, although he did not possess the advantage of the capacity and military understanding of the right honourable General, yet, he enjoyed one advantage, and that was, that during the last war, he had been on the spot,

spot, and had done duty on almost every one of the islands in the West Indies. He spoke, therefore, from a personal knowledge of their situation and circumstances. In treating of the engineers, the honourable General had professed to speak of them, without disrespect to the corps. He believed the honourable General; but if he did not mean to treat the corps with disrespect, his argument afforded the strongest proof, that the engineers actually employed in carrying on the works in the West Indies, were the most competent to judge of their propriety, use, and effect. He professed that he had every respect for a Board of General Officers, and knew that they were to be considered as a kind of superior beings to inferior officers; but, still he did not think that they had that degree of second sight, which alone could enable them, here at home, to decide better as to the propriety of the fortifications in the West Indies, than those engineers who, from being upon the spot, could best judge, from the differences of ground, and other local circumstances, what was the sort of work most fitly adapted to the situation. Col. Phipps reminded the House, that the honourable General had, the preceding day, thought that it was then, for the first time only, that any specific sum had been mentioned as the probable amount of the expence of the whole system of fortification proposed; he had that day, however, recollect^{ed} that his right honourable friend mentioned it last year; but the honourable General had thought it was 280,000l. which was only a mistake of the small sum of 100,000l. since his right honourable friend had distinctly stated, that, as nearly as could be ascertained, the expence would amount to a sum of between 180,000l. and 200,000l. The honourable General, the Colonel observed, had made a curious objection to the fortifications; he had said, that the fortifications must be manned, and it would call for a great increase of men, both in time of peace and in time of war. The explanation given by his right honourable friend, was, that in time of peace, the present establishment would be sufficient for the West Indies, but, in time of war, when resistance and attack were to be expected, it must necessarily be augmented to nearly double the establishment. Did the honourable General wish that these fortifications should not be defended at all? If he thought that they were to have no force in the West Indies, but that a race was to be run with our enemies, and a force be sent out after we learnt that they had sent out a force, thus counteracting expedition with expedition, let the honourable General recollect, that a force, in time of war, was more difficult to be got than in time of peace. The honourable General had talked of the unsalutary climate of the West Indies, and had said that it was the grave

of the English soldier. That was, in his mind, an argument in favour of preserving stationary garrisons in those islands; because, much depended on the seasoning of the troops there employed. There was in the West Indies a regiment, called the 60th, which was kept there, and by long habit was fully seasoned to the climate. That regiment was composed chiefly of foreigners, and men of different countries. When he was there, the Colonel said, the 60th regiment was found infinitely more serviceable than twice the number of other troops. It proved, therefore, that having a stationary garrison in the West Indies was always advantageous. The honourable General had admitted, that fortifications were of use against a *coup de main*, in islands where there were but few landing places. That, the Colonel said, was the case in almost every island in the West Indies; because, few of them had landing places but on one side of the island, in consequence of the trade winds, which blew so strong in those seas, that ships could not make the shore on the other side of the island, and the more especially, as the coast of most of those islands was exceedingly rocky and dangerous. As a farther proof of the use of fortifications, the Colonel mentioned the circumstances of the capture of the island of Martinique, during the course of the war before the last. That island had then been attacked by 15,000 men, and it was almost a year before they could obtain a capitulation, though holden out against by only 800 men, and that merely because the island had fortifications; which was, surely, a strong proof of the necessity of fortifications, and of what the honourable General's argument went to, the saving of men. With regard to the effect of fortifications, in respect to the commander of a garrison's holding out, the argument told the other way. If the planters were so little our friends as to wish to go over to our enemies, the fortifications were of use, by enabling the Commander, even in spite of the planters themselves, to hold out, and preserve the island till assistance could be given by our fleets. As a farther proof of this, the Colonel instance that, last war, though our fleets were deemed equal to those of the enemy in the West Indies, and ultimately proved themselves superior, yet island after island was captured merely for want of fortifications. In respect to the ease which the honourable General had put, as to the different advantages of our enemies to take our islands, and the powers we should have to recover them, the Colonel said, he was sorry to hear from the honourable General that our enemies were to have such a superiority allowed them. Certain he was, that, during the last war, the conduct of our armies in no part of the globe afforded cause to ground such an argument against them. For his part, he could

could not help thinking that a small number of our troops behind fortifications were equal to any force which our enemies could send against them. Our West-India islands either were or were not to be defended; if they were to be defended, according to the honourable General's argument, it came out that fortifications were absolutely necessary, as they tended to the saving of men, and the support of the navy, because, as a less number of men stationed in a fortification could defend an island, the more could be spared for that essential service, the service of the navy. He wished the honourable general had advanced his arguments in the course of the preceding year, because it could not but have tended effectually to silence the objections then offered on the score of fortifications tending to weaken the navy. The Colonel added, that he saw the matter in so strong a point of view, and found that there were so many branches of argument, all going to the same point, that he had been, as it were, involuntarily led to trouble the House with a great deal more of reasoning upon the subject, than he either intended or thought absolutely necessary.

General *Burgoyne* begged to have it distinctly understood, General that he had not said that the English army was inferior to *Burgoyne* that of their enemies. He entertained no idea so injurious to the English army, but had merely contended, that the effect of fortifications in the West Indies would be, that if the islands were taken by the enemy, we should not be able to recover them by the operation of the same means and menaces as the enemy had advantageously used to capture them.

Colonel *Phipps* answered, that he should be extremely sorry to have misrepresented the honourable general. He had only said, that the enemy might employ the same means to oblige our troops to capitulate without these fortifications, as they could employ with them.

Mr. *Courtenay* having observed, that he was acquainted with the customary practice of the Board of Ordnance, at least some years since, added, that it had then been usual for the Board to have a plan and estimates of every new work submitted to them. If, in the present instance, the same mode were adopted, it would be an easy matter to submit the estimate, at least, to Parliament. If the noble Duke at the head of the Board of Ordnance went on without estimates, undoubtedly, the House could not expect to have an estimate laid on the table, but must proceed, if they proceeded at all, to follow the noble Duke, and take their chance of the ultimate amount. He thought that Mr. Chancellor Pitt supposed the probable sum to be from 180,000l. to 200,000l. He reminded the House, that two or three years ago, the noble

Colonel
Phipps.

Mr.
Courtenay

noble Duke applied for leave to fortify Plymouth and Portsmouth, and much the same arguments, in support of the project were then urged, as had been that day advanced. The first sum asked, was a specific sum ; the House wished to have it more critically ascertained, and remanded the consideration to the Board of Ordnance ; the second sum asked, was much larger ; the House was not yet satisfied, but desired that the matter might be referred to a Board of General Officers. In their report, a still more considerable sum was stated as necessary. A clear proof, how little mere assertion, on the point of the Ordnance Board, was to be relied on. Mere assertion was certainly no fit ground for Parliament to proceed upon. If the plan before the Board of Ordnance was really the plan of the engineers, who were to execute the works in the West Indies, Mr. Courtenay declared, he should always have the better opinion of it ; but unfortunately all the plans of fortification lately submitted to Parliament, were notoriously the plans of the noble Duke himself, and the engineers were merely left to execute them. As a proof of that, he would mention a fact. He remembered, that an engineer was to be sent over to Africa, to view a certain situation, and examine the propriety of erecting a fort there. The engineer went over, and on his return, Administration having undergone a change, the noble Duke was at the head of the Ordnance, and he altered the engineer's plan, and adopted a plan of his own. Colonel Bramlin was then at the Ordnance Board, and incurred the noble Duke's displeasure, because he pointed out the errors of his plans. He would mention another fact, which was, the affair of Fort Cumberland, the estimate of the expence of which had been equally varied from time to time. In fact, under the noble Duke's administration of the Ordnance, engineers were solely considered as overseers, and permitted to superintend the carrying on of the works which the noble Duke had planned. It was, Mr. Courtenay contended, a fair question to put to Mr. Chancellor Pitt, had the Board of Ordnance an estimate of the probable expence of the intended works in the West Indies before them or not ? If they had such an estimate, and it were concealed from that House, there was some deception in the business. Mr. Courtenay commented upon parts of Colonel Phipps's speech, and said, with regard to his argument, that troops became better from being sent to an unhealthy climate, he supposed that he borrowed the idea from the right honourable the Secretary at War, who had said, a day or two since, that the troops were promoted by death. It was, he maintained, necessary to know what the whole of the expence would be, before they voted any money on account ; and, therefore, he could not conceive it possible for the

the House to resist his honourable friend's motion. There were numbers of papers before the House, which shewed the conduct of the Board of Ordnance; if those papers were examined, it would be found, that the noble Duke had deviated from all his boasted plans of œconomy; that, in most of his schemes he had, with a lavish and improvident hand, wasted large sums of public money; and that by laying out large sums in the purchase of powder mills, he had raised the price of powder to six times its former cost. Whether this was done in order to preserve the game, or with a view to prevent people from using too much powder, which they might be inclined to do, where it continued to be cheap, Mr. Courtenay said he knew not, but in every one of the noble Duke's schemes he asserted, that there would be discovered a profusion of public money. When he said this, he declared he asserted a fact, and would be ready to prove what he said, on any future day, and if he did not prove it incontrovertibly, he would allow the noble Duke deserved the confidence of his country, and that he had misconceived his conduct and character.

Mr. Aldridge observed, that he did not rise to answer the latter part of the honourable gentleman's speech; that his annual attack on the noble Duke at the head of the Ordnance, was grown to be so familiar a circumstance, and was at the same time so easily accounted for, that it neither surprised him, nor, he believed, any one Member of the House. He rose merely to say a few words in relation to the charge against the Board of Ordnance, on the ground of making out their estimates. The honourable gentleman having left the Board for some time, might not be acquainted with the present practice, which was to lay before that House as accurate an estimate of every work intended to be carried on, as could possibly be made out. In regard to the present question of fortifications in the West Indies, the Board had certainly received a plan and estimate of the works intended to be erected in those islands; but, they found it impossible to make out from them any estimate, sufficiently accurate to lay before the House. Had they recurred to the former practice of the Board, and made an estimate by guess, they might possibly have presented one, but such an estimate must, from the nature of things, have proved delusive. As nearly as could possibly be computed, the whole expence of the works intended would not exceed 200,000l.

Mr. Courtenay answered, that his question was, had the Board of Ordnance, or had they not, a plan and estimate of the intended fortification before them? If they had not, they certainly could not lay it on the table. Mr. Courtenay was proceeding to reason upon the question, when he was inter-

rupted by the Speaker, and desired to confine himself to explanation. Mr. Courtenay observed, that he was willing at all times to submit to the Chair, whether he felt conviction or not ; and all he meant to say, was, that if the Board had not had a plan and estimate transmitted from the West Indies, they could not of course lay it upon the table, but if they had, they ought to submit it to the House.

Mr. Aldridge explained, that the Ordnance estimates never had been so accurately arranged as they were at present.

Mr. Sheridan rose to defend his honourable friend, Mr. Courtenay, who had, he thought, been rather improperly called to order.

The Speaker answered, that it was an essential part of his duty, to preserve order. It was at all times disagreeable to him to interrupt gentlemen, but when they, in a second speech, went into new reasoning and argument, instead of confining themselves to explanation, he felt to be his duty to interrupt them ; and, however he might on any occasion mistake the point of duty, in respect to order, yet, when his intentions were of the nature which he had described, he conceived it to be unhandsome to make any reflection on his conduct.

Mr. Sheridan admitted, that his honourable friend's words, when he was called to order from the Chair, were not afterwards followed with that explanation, which he had expected he was about to give ; but, the House well knew, that when gentlemen were interrupted, it frequently happened that they pursued a different train of ideas from those they had set out with. With regard to the question itself, he did not mean to speak to the military part of it, nor did he conceive that this was the question before the House. But, if they were to rely on military authority, his honourable friend (Colonel Phipps) must excuse him, if, on account of his greater experience, he gave the preference to the authority of his honourable friend near him (General Burgoyne). The real question, however, for their consideration, appeared to him to be, whether His Majesty's Chancellor of the Exchequer, in asking that sum from Parliament, had given the proper documents to satisfy the House, that the sum ought to be voted ? Mr. Sheridan said, he thought the right honourable gentleman had not ; because, last year he had himself moved the very same motion as that which was now made by his honourable friend. The right honourable gentleman had then declared that no estimate had been received by Government from the West Indies, but that Government expected one ; and when it came, it should be laid on the table. Upon that

that suggestion, or rather promise, Mr. Sheridan said, he had consented to waive his motion. He remarked, that he perfectly well recollect'd, that the right honourable gentleman had last year said, the expence would probably amount to about 200,000l. but, that if it were double that sum, the object would deserve it. As it was confessed, that an estimate was now before the Board of Ordnance, the House ought to have it upon the table, before they proceeded to vote the money. Mr. Sheridan declared, he had not been present when the seamen were voted, but when he saw that 2000 additional seamen had been voted, it gave him great satisfaction, because he thence conceived, that the project of fortifying the West India islands had been reconsidered by His Majesty's Ministers, and rejected as impolitic; a conception to which the train of reasoning of the right honourable gentleman naturally led, when he spoke upon the subject, in the course of the preceding session.

Mr. Steele expressed his wishes that those gentlemen who were so clamorous for estimates, would please to inform him how it was possible, under the circumstances of the case, to lay estimates of the particular nature of those in question upon the table. They themselves must agree, that for a variety of reasons it would be highly improper to lay the plan of the intended fortifications on the table, and if a detailed estimate of the expence were presented, it must necessarily refer so minutely to the plan, that it would be unintelligible without it, or it would give so much information that all the dangers would be incurred which were meant to be avoided by not submittting the plan to the inspection of the House. The House had heard, that the general amount of the intended fortifications, as nearly as it could be calculated, would run from 180,000l. to 200,000l. There were, he believed, six islands intended to be fortified, and about 30, or 40,000l. were to be allowed to each island. Mr. Steele entered into a defence of the practice of the present Board of Ordnance, compared with the practice of former Boards, in respect to their estimates. There was, he said, on the table, a paper stating what sums had been expended on each article, during the years 1784, 1785, 1786, and 1787; and the paper left a balance of only 8000l. difference between their actual expenditure, and the estimates that had been laid before the House from time to time, during those four years. In former years, before and during the late war, the practice of the Board of Ordnance was to bring each year a charge for services unprovided for, larger in amount than the whole amount of the Ordnance estimate of the year, by which means there was always a large Ordnance

Mr.
Steele

nance debt. What was the present situation of the Ordnance? The estimates were drawn out with the utmost accuracy, and regularly brought forward; contracts were made fairly, and the strictest economy preserved; the consequence was, there was not now one farthing of Ordnance debt. This, Mr. Steele contended, was an undeniable fact, and the regular payments at the Ordnance Board, shewed that the business of the Ordnance department was properly conducted. In proof that fortifications were necessary in the West Indies for the preservation of our islands, he desired gentlemen to refer to their Gazettes; they would there see, that Grenada, St. Vincent's, and other of our islands had, in wars antecedent to the last, surrendered without firing a single shot, and been taken by a small number of men. The Gazettes would likewise prove, that the force in the islands at the time of attack could make no stand, merely for the want of fortifications to enable them to hold out till relief could be afforded by our fleets. Mr. Steele added other arguments to prove, that providing future powers of defence, during a time of peace, must become the means of affording the most effectual security in time of war. He remarked, that he would avoid entering into any defence of the character of the noble Duke at the head of the Ordnance Board, because as his attachment to that noble Duke was well known, whatever he might offer upon the subject might be imputed to partiality, and he was sure that the noble Duke's integrity and punctilious discharge of his public duty were too generally admitted by the candid and unprejudiced, to render it necessary for him to urge a single syllable in his vindication.

Mr. Pitt. Mr. Chancellor *Pitt* observed, that he was so thoroughly persuaded of the beneficial policy of pursuing a moderate plan of fortification in the West Indies, that he had the preceding day, the presumption to offer to combat with the honourable General over the way on the discussion of the subject. He would not, however, have the still greater presumption to endeavour to attempt to add one word to the arguments which had been urged in the course of the day's debate; arguments, which in his mind, most clearly and unanswerably proved that the plan was founded in propriety and good sense. The only point, therefore, to which the question before the House appeared to be reduced, was merely what the extent of the expence would be. As far as that department, to which the question referred, could form any judgement, it was understood that it would amount to between 180,000l. and 200,000l. But the Board of Ordnance, for a variety of obvious reasons, had declared, that

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it was utterly impossible for them, from the estimates which had been transmitted to them, to form an accurate and precise judgement of the ultimate account of the expence. If therefore, understanding that an accurate and exact statement of the ultimate account could not be given, the House were desirous of having an estimate laid upon the table, for the sake of having in writing, what they had already heard in substance, he for his own part, should not resist their wishes.

Mr. *Adam* observed, that he should think he acted an un-
becoming part, were he to allow assertions respecting the
conduct of former Boards of Ordnance to pass unanswered,
when he conceived that they could be answered satisfactorily.
The honourable gentleman, (Mr. *Steele*,) had said, that
former Boards of Ordnance used to bring in a large expence,
year after year of unprovided services; he did not deny the
fact; but the reason was to be found in the circumstances of
the times from which it unavoidably arose. The estimates
alluded to, were estimates during a war, and during a war it
was impossible to foresee what would be wanted. To prove
this, he need only mention the garrison of Gibraltar, the
occasions of which, as far as they regarded the Ordnance
department, were necessarily supplied as fast as they arose;
but it was impossible to state to Parliament beforehand what
those occasions would prove. The estimates for the last
five years, were estimates in time of peace, when the ne-
cessary services for the current year, could with great ease
and accuracy be ascertained and stated. If there should be
a war, from the nature of the case, the same state of uncer-
tainty would recur, and the same consequences result. But
with regard to the present question, the argument upon it
was not that there was not a sufficient degree of accuracy,
but that there was not a sufficient degree of information.
If there were, without submitting the plan of the intended
fortifications to Parliament, the Ordnance Board would
have stated the quantity of bricks and timber necessary to
be used in constructing the different works in the different
islands. Another circumstance which made a difference in
the amount of the Ordnance estimates formerly and during
the last war was, that in the war before the last, and in the
war before that, all the transport service of the Ordnance was
defrayed by the Navy Board. Whereas, in the succeeding
war, the transport service was defrayed by the Ordnance
Board, in consequence of which, the Ordnance estimates
were exceedingly and unavoidably swelled.

Mr. *Steele* answered that he had not alluded to the practice Mr. *Steele*
of the Board of Ordnance, in regard to their estimates in
former times, merely with view to years of war, but had
expressly

expressly mentioned the year 1770, 1771, 1772, and 1773, which were years of profound peace.

Upon the question being put, the resolutions were carried, and General Burgoyne's motion was negatived.

Sir W. Molesworth. Sir *William Molesworth* observed, that he must again advert to the wall round Mutton Cove at Plymouth, respecting which, an honourable Captain, whom he did not see in his place, had chosen to amuse the House the preceding day. That wall, he understood, was to be built by the Artificers whom the noble Duke had last year formed into a corps. So, that without stating it, or submitting it in any manner to that House, a very large and expensive work was to be carried on. *Ex uno disce omnes.* From the fact which he had mentioned, the House might judge of the general conduct of the Board of Ordnance. He therefore laid in his claim to have the estimate of the expence of that wall presented to the House, and gave notice that he would shortly make a motion for that purpose.

The House having resolved itself into a Committee on the Mutiny bill, Mr. Gilbert took the chair, and when the Committee had proceeded to the clause giving the power to Magistrates to assess alehouses, which have not stables with a certain ratio of expence,

Mr. Wilbraham. Mr. *Wilbraham* contended, that such keepers of public houses as did not pay eight pounds a year rent, and four hundred publicans of this description lived within the city of Norwich, were a species of people so humble, that they ought to have their distress alleviated, and therefore he hoped the House would consider their circumstances, and exempt them from the payment of any rate of the kind in question.

Mr. Steele. Mr. *Steele* begged leave to remind the honourable gentleman that the power was given to the Magistrates with a view to distribute the burthen imposed on publicans equally and according to their several rents and circumstances, so that those who had no stables, not having privates of cavalry quartered on them might pay a proportionable rate at the discretion of the Magistrates of the city, town, or place (who were most likely to judge fairly, from best knowing the rents and circumstances of each publican) in order to make them bear their share of the general burthen, which the Legislature had thought it right to impose on alehouse-keepers and inn-keepers.

The bill went through the Committee, and was, as soon as the House was resumed, reported and ordered to be engrossed.

The House adjourned.

Frida.

A. 1789.

D E B A T E S.

Friday, 20th March.

The House, in a Committee of Ways and Means, came to two resolutions, viz.

1st. That it is the opinion of this Committee, " That towards raising a supply to His Majesty, the duties upon malt, cyder, and perry, be farther continued from the 23d day of June, 1789, to the 24th day of June, 1790."

2d. That it is the opinion of this Committee, " That the sum of four shillings in the pound, and no more, be raised within the space of one year, upon lands, tenements, and hereditaments, pensions, offices, and personal estates, in that part of Great Britain, called England, Wales, and the town of Berwick upon Tweed; and a proportionable cess upon that part of Great Britain called Scotland."

The House adjourned until

Monday, 23d March.

Mr. Wilberforce rose, and moved, " that the entry in the Journal of the last session, dated the 9th of May, might be read;" and, the same having been read by the Clerk,

Mr. Wilberforce observed, that although the matter in Mr. J. question was certainly of so much public importance, that before every gentleman might wish it to be brought forward as early as it conveniently could, yet, from the peculiar circumstances of the times, it was impossible for it to come before the House, as he understood, in the manner in which it ought to be brought forward, till after the Easter recess. He gave notice, therefore, that on as early a day as possible after the Easter recess, he should move, that all the papers which could afford the House information on the subject, should be laid upon the table; and if any gentleman had farther intelligence to communicate to the House, than the papers he meant to move for, might convey, he trusted that such gentlemen would move in time for those papers which they might deem necessary for the information of the House, so that the subject might be taken into consideration on Thursday, the 23d of April.

Mr. Wilberforce concluded with moving,

" That this House will, on Thursday, the 23d day of April next, resolve itself into a Committee of the whole House, to consider of the circumstances of the Slave Trade, complained of in the said petitions."

Mr. Wilberforce having been reminded by his friends, that he had omitted to state the object of his intended motion,

tion, when all the papers alluded to should be before the House, and the subject fairly under consideration, rose again and said, that from mere accidental absence of recollection, he had omitted to state, what, in candour, he was ready to confess, ought to have been mentioned by him; and this was, that his motion would go to the extent of an entire abolition of the Slave Trade.

The motion having been read from the Chair,

Lord Penrhyn. Lord *Penrhyn* observed, that as the honourable gentleman had said that the object of his intended motion would be, to propose a complete abolition of the Slave Trade, he begged leave to ask the honourable gentleman, if he meant to make any compensation to the African merchants, for the expence which they had incurred, in shipping and materials, for carrying on that trade; both of which, should the honourable gentleman's motion be carried, would be rendered useless; and also, whether he comprehended in his object, a compensation to the proprietors of estates in the West Indies, for the abolition of the Slave Trade, by which, the means of cultivating the West Indies would be entirely cut off? All the lands in the West Indies were either securities for debts due to this country, or jointures for widows, or provisions for children. If, therefore, those securities were not intended to be provided for, the honourable gentleman, when he made his motion, would carry a violation of justice in one hand, and a shew of humanity in the other.

Mr. Wilberforce. Mr. *Wilberforce* having premised, that, in his opinion, almost every gentleman in the House would agree with him, that any discussion of the subject whatever, in the present moment, must be premature and impertinent, added, that no consideration, except his respect for the noble Lord, could have induced him to rise to say a syllable in reply. When the papers necessary to give the House full information respecting the nature of the question to be agitated, should have been duly considered, and the matter be brought regularly under discussion, he trusted that he should be able to prove to the entire satisfaction of every gentleman, that the Slave Trade might be completely abolished without injury to the cultivation of the West-India islands, or by any means affecting the securities to which the noble Lord adverted.

Mr. Gascoyne. Mr. *Gascoyne* declared, that he rose, not prematurely to enter into the discussion of a subject, which certainly was of very great importance, and consequently deserving of very serious consideration, but, merely to observe, that although, the honourable gentleman had told them candidly, that he meant to move for an entire abolition of the African Trade, and that he meant to lay before them such documents, as would

would afford the House ample information on the subject, he had not said what those documents were. If, therefore, when the documents should be before them, the time allowed for gentlemen to consider them, should not appear to be sufficient for that purpose; or if further documents should appear to be necessary, he for one, should not, in either of those cases, think himself pledged to give his vote to support any motion which the honourable gentleman might then think proper to make, in consequence of his having consented to the motion which the honourable gentleman had just moved.

The question was then put, and agreed to.
The House adjourned.

Tuesday, 24th March.

Mr. Beaufoy observed, that whilst he rose to submit to the decision of the House, the motion of which he had lately given notice, he felt his mind impressed with some degree of anxiety; because, if he should not succeed, he was conscious that he should not only bring a kind of discredit on the most glorious event which history records; but, should also in some degree, for such must prove the effect of a negative on the motion, tarnish the lustre of the constitution itself. But, that whilst on the one hand, he found how impossible it was to avoid the pain of such an apprehension, he felt himself, on the other, supported and encouraged by the remembrance, that the principle on which he proceeded, had repeatedly received the sanction of the British Legislature. It was a principle too natural to the human heart, and too consonant to its best feelings, not to have obtained the countenance of all free nations, in every age of the world. For, what free people were ever so lost to virtue, and so insensible to the feelings of gratitude, as not to acknowledge, that for national evils averted, and national blessings bestowed, the public thanks of the nation were due to the Almighty? Mr. Beaufoy observed, that in this Kingdom particular days in the year had been set apart for the commemoration of such events as were thought by the Legislature to have had a more than common influence on the constitution and happiness of the country. That on the 26th of May, for example, we were accustomed to celebrate the close of civil discord, and the restoration of legal government. That of the truth and wisdom of the principle of his intended motion, he should therefore forbear to speak, as a stronger testimonial of that truth, and a higher panegyric on that wisdom, than any which he could give, would be found in the records of the House, and, he trusted he might add, in the feelings of every gentleman to whom he had the honour to address him.

self. After this introduction, Mr. Beaufoy proceeded to consider the propriety of applying to the Revolution, the principle which he had thus described; and he remarked, that it was unnecessary to remind the House of the singular importance of this great event, either with respect to the magnitude of the evils escaped, or of the nature of the blessings, which had followed the deliverance. He observed, that the House were perfectly aware of the situation in which the two countries that now compose Great Britain, at that time stood. That in Scotland, words the most innocent, as in the days of Nero, became a capital offence; that the Marquis of Lorn was executed for having defamed the King's Ministers; that torture was brought into common use, as a necessary machine of Government; and that the Parliament of Scotland, like the Senate of Rome, had declared, that absolute power in the Sovereign was the fundamental law of the State; that the House were equally aware, that even in England, the Government was one vast conspiracy against the interests, the religion, and the liberties of the People; that the law was made an instrument of destruction to the guiltless, and that the sentence of the Judge was consignment to legal murder; that, in the King, every act was threatening and portentous; that he himself was a pensioner to the ancient enemy of the Kingdom; that to extirpate for ever the liberties and religion of the People, was the steadfast purpose of his reign, and that to accomplish this purpose, the armies of France, at that time the terror of Europe, offered their utmost aid. Mr. Beaufoy then observed, how impossible it was to reflect on the deliverance of the Kingdom from the dangers of that awful period, without acknowledging, that a stronger claim to the ardour of gratitude, and the earnestness of devotion, had never occurred in the history of man. Mr. Beaufoy proceeded, in the next place, to state the blessings which have been consequent on the event which he wished to commemorate. He asked, to what other cause could be ascribed that consciousness of safety, that sense of personal security, which constitutes our greatest happiness, and without which all other enjoyments are but motives of inquietude, and incitements to anxiety? To the consequences of the same event, he imputed that wonderful fabric of manufactures and commerce which surpasses the comprehension of foreigners, and is scarcely within the reach of our own; and he farther remarked, that, to the genuine effects of the same powerful cause, we also owed that innate strength, and intense energy of action, which had enabled this Kingdom, in our own day, not only to oppose the united efforts of the three most potent States in Europe, each of which, before the Revolution, was thought our equal in strength, but had also im-

powered us to baffle their utmost exertions, even when our own dependencies had joined the confederacy against us. Of a greater and still more obvious blessing, he said, he need not speak; for, who that valued his own freedom, who that regarded the happiness of his country, or who that thought an attachment to the rights of the People, the best attribute of royalty, could forget, that to the Revolution we owed the accession of His Majesty's illustrious House. That attachment, he observed, had already continued without change or interruption, through the long period of three successive generations, and of its continuance in the fourth, we felt an assurance on such grounds, as gave to expectation the certainty of experience. From the arguments which considerations of religious gratitude had suggested, Mr. Beaufoy passed on to those which might be drawn from the advantage of impressing the minds of the People with a just and solemn sense of the nature of their rights, the attempts which, in former periods, had been made to subvert them, and the miseries which, if those attempts had succeeded, would have been brought upon themselves, and intailed upon their posterity. Those, he observed, who had marked the history of free States, had uniformly thought, that the danger to the liberties of a People is not so great from external violence, as it is from the silent progress of internal decay. He declared, that he himself had long considered the People of England as too much disposed to rely on the sufficiency of Magna Charta, on the elective constitution of the third branch of the Legislature, and on the right of trial by juries, for the maintenance of their freedom; and, that the reason on which he founded this opinion was, that all these securities had been put to the proof, and had failed us in the trial. Where, he asked, were the energies of Magna Charta, when the furious spirit of Henry the Eighth had possession of the Throne? Or, what obstacles did the elective constitution of the House of Commons oppose to the despotic temper of the King? Were not they themselves the abject instruments of his tyranny? If, said he, the influence of Magna Charta could have preserved the liberties of England, would Great Britain ever have known the disgrace of Cromwell's usurpation? Or, if the right of trial by Jury were a sufficient guard from the attacks of irritated power, would the illustrious Lord Russel, or the immortal Sydney, have died upon a scaffold? Of what avail was that right in the days of Jeffries, when the circuit of the Judges was more terrible to the subject than even military execution; the sufferer then found, that a trial by his Peers served but to aggravate his distress; as it proved to him, that he was betrayed where he expected protection, and that his equals and fellows in so-

ciety were accomplices in his murder. Thus, Mr. Beaufoy said, it appeared from the history of this kingdom, that when the spirit of the People was decayed, when the energies of public zeal were exhausted, and the voice of patriotism was no longer heard, the Constitution itself became but a powerless form, a treacherous shew of seeming good, persuasive to the eye, but delusive to the hope. Mr. Beaufoy added, that if the House should approve of the motion, which he was about to make, he would propose that the bill to be brought in, on this occasion, should contain that brief but comprehensive abstract of the rights and privileges of the People, which is exhibited in the Bill of Rights, and should be annually read in our churches as a part of the service of the day. Thus, he observed, the People would be instructed in the nature of their rights, would be informed of the danger to which those rights had been exposed, and would be taught the miseries which the loss of them would bring upon their native land; and thus, the liberties of England would be protected from the ruin which had attended the freedom of other States, and the Constitution be rendered as independent as possible of time and chance. Mr. Beaufoy concluded, by saying, that to celebrate the Revolution, was to acknowledge the obligations which we owed to the authors of that illustrious event; and that when the titles of Russell and Devonshire, of Dorset, Argyll and Danby, and of their other benefactors, should be gratefully mentioned, the People would feel a joyful assurance, that if ever their rights should be again attacked, the descendants of those great men, forgetful, like their ancestors, of the party distinctions by which they might happen to be divided, would cordially unite, and, so united, would form an irresistible phalanx on the side of virtue and their country. To celebrate the Revolution, was also to remind the People of the singular obligations which they owed to the clergy of the established Church; it was to remind them of the unshaken integrity, the determined fortitude, the stedfast zeal with which, under trying circumstances, and in a fearful season, the Bishops sustained their part; it was to remind them of the earnestness with which, in opposition to their own immediate interests, the Dissenters, on that occasion, supported the established Church, and sacrificed religious destruction to the cordiality of a civil union. And finally, it was in reality to remind them of a circumstance, the most pleasing that could be brought to their recollection—the efforts of all ranks and classes of Englishmen, in support of their common rights and of the free constitution of their country! On all these grounds, he hoped that his motion would not be unwelcome to the House, when he asked leave, as he should now proceed.

ceed to do, to bring in a bill, "To establish a perpetual anniversary thanksgiving to Almighty God, for having, by the glorious Revolution, delivered this Nation from arbitrary power, and to commemorate annually, the confirmation of the People's rights."

Lord *Muncaster* rising to second Mr. *Beaufoy*'s motion, observed, that his honourable friend had so amply explained the grounds and motives on which he wished to introduce his bill, that he had left him no occasion to add a single syllable on the subject.

Sir *Richard Hill* declared, it would be extraordinary indeed, if, in the course of an hundred years, a British House of Commons should not have discovered the benefits of the Revolution. The honourable gentleman's motion, therefore, reminded him of the canonization of the Popish saints, which generally took place fifty or an hundred years after their death. Sir Richard desired that, in consequence of this observation, he might not be considered as a person who disliked the Revolution, or as unwilling to acknowledge the very great and important advantages which this country had derived from it. He was exceedingly thankful for both, and did not wish to oppose the religious celebration of so interesting an event; but, he feared that if the honourable gentleman's motion were adopted, instead of a day of thanksgiving and prayer, the day would become a day of feasting and drunkenness. Sir Richard said, there was already a service of the Church specially appointed religiously to commemorate the Revolution, and if the clerk would turn to the Form of Prayer for the 5th of November, which followed the reading psalms in the Common Prayer Book, he would there find it.

Mr. *Hatfell* read the Gunpowder Treason and Plot Form of Prayer, which directs special "Prayers of thanksgiving to be used yearly upon the fifth day of November, for the happy deliverance of King James I. and the three estates of England, from the most traiterous and bloody intended massacre by gunpowder; and also for the happy arrival of King William, on this day, for the deliverance of our Church and Nation."

Mr. *Hatfell* also, at Sir Richard's desire, read a few lines of the several prayers in the same service, mentioning King William's happy arrival.

Sir Richard resumed his argument, and addressing himself peculiarly to the Speaker, said, he was more than any other Member interested in the motion; since, if it was carried, he would be obliged to recollect the day, and have to attend and freeze at St. Margaret's in his pontificalibus. On the 30th of January, the Speaker, together with a noble and learned

learned Lord, belonging to another House of Parliament, to which it certainly was not regular to allude, for whom he, in common with the public in general, entertained a very high degree of respect, Sir Richard observed, made an annual visit to St. Margaret's already, and he believed neither the right honourable gentleman in the chair, nor the noble and learned Lord, would wish to make their visit to St. Margaret's biennial. Sir Richard apologized for the trouble he had given the clerk, to refer to the prayers for the service ordained for the 5th of November, by saying, that he had thought it necessary, because he believed the Members of that House were not particularly conversant with the Book of Common Prayer.

Mr. Beaufoy replied to Sir Richard Hill's objections, which, he observed, divided themselves into two parts. The honourable Baronet first objected, because the Revolution took place one hundred years ago. That, Mr. Beaufoy said, was the precise ground on which he rested his motion. It was because an hundred years had elapsed, and because the blessings which had been derived from the Revolution, had been experienced for a full century, that he wished to make the Revolution a subject of distinct and specific religious commemoration. The honourable Baronet's second objection was, that there was already a service of the Church appointed to commemorate the landing of King William. It was true, there was such a service; but in it were comprehended two objects, that had not the smallest analogy or reference to each other; the one the Gunpowder Plot, the other the arrival of King William. It was to commemorate neither of those events, Mr. Beaufoy said, that he wished to bring in a bill. Because a miserable bigot had been happily detected in a design to blow up the two Houses of Parliament, cruel and detestable as that intention was, would any gentleman contend, that its being prevented was a circumstance of equal importance with the Revolution, which secured our liberties, and gave us a free constitution? Nor was it King William's landing merely, that he was anxious to commemorate. The examples of kingdoms, acquired by conquest, and by force of arms, were much too frequent to render any one of them a fit subject of special commemoration. It was the glorious event of the Revolution itself, by which, without loss of blood, the Sovereign who had abused his powers, had vacated his kingly office, and an opportunity was given to that family to ascend the throne, under whose mild and auspicious government the country had so long experienced the full perfection of national freedom, happiness, and prosperity.

The question was agreed to.

The House adjourned.

Wednesday, 25th March,

No debate.

Thursday, 26th March.

No debate.

Friday, 27th March.

Mr. Stanley moved, " That the order of the day for the second reading of the County Election Bill, be read."

The same having been read accordingly,

Mr. Stanley observed, that he would not then take up the time of the House in stating objections to the bill, for the purpose of repealing which, the present bill had been brought in. Those objections were so numerous, that upon barely reading the bill, they would sufficiently manifest themselves.

Mr. Chancellor Pitt begged leave to assure the honourable Mr. Pitt gentleman, that he did not mean to oppose the second reading of the bill, but merely to lay in his claim hereafter to defend the principle of the act of Parliament, which the present bill went to the repeal of. He thought keeping register books of the qualifications of freeholders a matter so important in itself, and so consistent with the freedom of election, that he trusted gentlemen would maturely and seriously consider the subject, before they consented to an entire repeal of the subsisting act of Parliament. He meant not to suggest that the application of the principle of the act, and the means of carrying it into effect, as provided by the act itself, were not liable to solid objection. There were, he well knew, some objections which went to all the counties in England; there were other objections, of a much more substantial nature, arising out of the local circumstances of particular counties, and especially where there were a number of leasehold freeholds. It was also one material objection, that the persons appointed to keep the register, were not all of them competent to the discharge of the duty imposed on them by the act. There were various other objections of different kinds, to which he would say nothing then; all he desired was, that when the bill came into a Committee, gentlemen would join in endeavouring to find a mode of removing these objections, and, if it should appear that the present mode of carrying so desirable a principle as the registering of freeholds into effect was inapplicable, that they would use every endeavour to find out some mode which was more practicable. For his own part, he had not yet made up his mind upon the subject, but was extremely desirous that whatever objections there might be to the subsisting

ing act of Parliament, so good a principle as it contained might not be abandoned. If, therefore, it was generally understood, that to find out the best possible means of carrying the principle into effect, was to be the object of their deliberations in the Committee, he had no objection to the second reading of the bill before them at that time.

Mr. *Vansittart* contended, that every day's delay was ~~ac-~~ ^{panied by} fresh inconvenience and additional expence. He had received that day letters from the overseers of different parishes and divisions, stating, that they held themselves bound to obey the act, and to distribute the register books, &c., all circumstances that would aggravate the expence.

Mr. Orde. Mr. *Orde* remarked, that if it were admitted that the operation of the present act was liable to so much objection, the shortest way of proceeding would be to repeal the subsisting act, and introduce a new bill.

Mr. Pitt. Mr. Chancellor *Pitt* conceived, that until gentlemen had taken the subject fully under consideration, it was going too far to talk of a total repeal of the act. He had not observed that the act had been found to be generally inapplicable; on the contrary, he had said, that he had not made up his mind on the subject.

Mr. *Duncombe* observed, that it was not consistent with his principles to disregard the petitions of the People; on the contrary, he thought it the duty of Parliament to pay every possible regard to them. The petitions on the table did not, however, all go to the point of repeal; they went to this alternative, either a repeal, or an amendment of the existing act. Nor had petitions been presented against the bill from all the counties in England. Some of the counties, he believed, were extremely well satisfied with the bill, and the objections made to it in a printed paper which had been handed about, he owned, did not strike him with any great force; at least, they appeared to be such, as might easily be obviated by a proviso to be introduced in a bill of amendment and explanation. Mr. *Duncombe* dwelt on the ill consequences of suffering the right of voting at county elections, to go again to a Committee of Election, which must be the case, if the act of Parliament were wholly repealed. He mentioned the Gloucestershire election, the trial of the merits of which, before a Committee of that House, lasted during three or four months. The same inconvenience and expence would result, if, in future elections, the merits of county elections were again to be referred to Committees. He stated the number of voters in Gloucestershire, and said that if that election had cost the candidates so much in contesting the right to the seat, and taken up so much of the time of the House, what must be the case where the counties

ties were larger, and the number of voters more numerous? He applauded Mr. Grenville's bill, and complimented the Speaker on his amendments of that bill, which had passed into a law during the preceding session. The County Election act was, in his opinion, of equal use in regard to counties. It provided a substitute in the nature of a scrutiny before the poll. An ingenious French writer had remarked, that the English were free but once in seven years, and that, by their behaviour then, they proved how little they deserved their freedom. Mr. Duncombe added some observations concerning the objections stated in a printed paper, which he conceived had been handed to every Member, and also alluded to Mr. Powys' bill, which was an endeavour to cure the evils that appeared before the Gloucestershire Election Committee, but that bill, he said, not only failed of reaching its object, but contained one principle, from which every man must revolt, on account of its repugnancy to the free spirit of the British Constitution. The principle to which he alluded, deprived a freeholder of his vote by the act of another.

Mr. Sumner recommended a motion for a bill of indemnity for the expence incurred, and to suspend the operation of the subsisting act of Parliament, till Parliament should have decided whether it would wholly repeal, or only amend the act.

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The *Master of the Rolls* observed, that the proposal of the Master honourable gentleman who spoke last, appeared, in his opinion, entitled to adoption. He owned he thought a register of freeholders, or something of that nature, was absolutely necessary, in order to secure their rights who were fit to poll, and to prevent the assumption of any such rights by those who were not entitled to vote at all. Any man who had attended an Election Committee, must have perceived the great want of some such regulation and check. It had fallen to his lot to have attended the whole of the Gloucestershire Election Committee, not as a judge, he thanked Heaven; for he was tolerably well paid for his attendance, and he had there seen the almost endless expence and inconvenience which had arisen from the want of register books. He alluded to Mr. Powys' bill, and said, if the present act were repealed, the matter would go back to the honourable gentleman's bill, whose name he had just mentioned. In that case, he should think that the honourable gentleman's bill, amended and explained, might answer every end desired. As it stood at present, it left too much power to the assessor of the land tax, and too little to the freeholder. Sir Richard concluded with expressing a hope, that gentlemen in general, and county Members in particular, would turn in their

minds the sort of regulation necessary to cure the existing defect, and to provide some mode to prevent the bad votes from being polled, by introducing something in the nature of a record, so that a freeholder might be entitled to demand of the Sheriff the acceptance of his vote.

Mr. Rolle. Mr. *Rolle* remarked, that he still anxiously wished for a repeal of the act. He spoke of the sentiments of his constituents on the subject, and said, that he, for one, adhering to their instructions, should not consent to any point which did not go fully to the accomplishment of a repeal.

Mr. Powys. Mr. *Powys* observed, that all the different counties in England spoke against the law, as it stood at present. He hoped, therefore, that the collective voice of all the counties in England would be heard and obeyed.

Mr. Pitt. Mr. Chancellor *Pitt* begged leave to assure the honourable gentleman (Mr. Powys) that there had not been an objection offered to the question before the House, and that the whole tendency of what he had said, before the honourable gentleman came in, went solely to express his wish, that no repeal of the act might take place, until the House should, after mature deliberation, feel an absolute conviction that an amendment of the mode of carrying the principle of it into effect, would not be better than a total repeal. Mr. Pitt added, that, in order to give more leisure for discussing the question, he had no objection to the bringing in a bill of suspension and indemnity immediately.

Mr. Powys. Mr. *Powys* thanked the Chancellor of the Exchequer for his explanation, and admitted that the mode of proceeding proposed by the honourable gentleman was the most unexceptionable.

Sir Rich. Sir *Richard Hill* said, that though he had received no particular instructions from his constituents, yet he knew that it was the wish of the county of Salop in general, that the bill should be repealed. He did not wonder at the anxiety of a certain noble Lord (Earl Stanhope) and his beloved child; yet, it was not the child, but the maintenance of it, that was objected to; for, he was sorry to say that, notwithstanding its noble extraction, John Bull, the overseer, had declared that it was actually become chargeable, and likely to continue so. He, therefore, applied for an order of removal, lest the child should gain a legal settlement. However, if the noble Lord would give an indemnifying bond, and pay all expences already incurred, he assured him, that there should be no vexatious removal from that county, which he had the honour to represent.

Mr. Powney. Mr. *Powney* expressed his apprehensions that both inconvenience and expence might harass the different counties in consequence of the bill's having been already in part carried into effect, and asked, while the subject was pending, how

was the expence to be avoided? With regard to the bill itself, and the honourable and learned gentleman who introduced it, the fact was, that the honourable and learned gentleman had been forced to do, what many other worthy gentlemen had been obliged to do before him, to own another man's child.

The *Master of the Rolls* said, that the bill of suspension M. would put an end to the expence. the

Mr. *Wilberforce* thought it extremely proper to defer the Mi consideration till after the Easter recess, when they should be ready to discuss the subject. Mr. *Wilberforce* spoke of the pains which had been taken by circular letters to procure petitions against the act, added, that notwithstanding this circumstance, no petitions whatsoever had come from the counties.

Mr. *Bastard* contended, that the act was clearly against the opinion of the counties in general, though all had not B. petitioned. Till the bill should be repealed, he hoped that an attempt would be made to reimburse the expense, in consequence of such a delay, the counties were exposed.

Sir *Charles Gould* said, that he had on the preceding Sa- Sir turday, attended a meeting of the county of Brecon, and G knew it to be their sense, that the bill should be repealed; it was also the sense of the neighbouring county of Monmouth.

Mr. *Mainwaring* remarked, that although he had not Mr. been entrusted, as yet, with any petition against the bill w^{as} from the county of Middlesex, which he had the honour to represent; yet he lately had it in his power to attend a county meeting of his constituents, on an occasion which would naturally draw most of them together, and it had been expressly declared to be the unanimous desire of all present, that their representatives should endeavour to obtain a repeal of the act in question.

Mr. *Bearcroft* observed, that although it was true that he N. was the father by adoption, of that strange child, and notwithstanding so many harsh things had been said of his child, he was not ashamed to own him, and could look in his face without blushing, being sure that if he was examined from top to toe, he would be found to have many good qualities, though he was not, perhaps, a perfect beauty. If he had been brought from the neighbourhood of Windsor, possibly the honourable gentleman behind him, (Mr. *Powney*) would have thought better of him. But would any man contend, that the principle of the act of Parliament in question, was so absurd and so unnecessary, as to render a total repeal of the act proper? The principle was to provide a register of freeholds, in order to put an end to the mon-

strous expence and delay of contested county elections. A register of freeholds was allowed on all hands to be a right measure, and was it not worth while to try to obtain it? With regard to his right honourable and learned friend's experience of county elections, he could add, that he had himself no inconsiderable share of the same sort of lucrative experience. He had attended the whole of the Gloucester election Committee, and he had likewise acquired much experience in county elections themselves, and had more than once found, that for want of a register of freeholds, many days were wasted to no other end whatever but enriching the lawyers, and encouraging rioting, mobs, and drunkenness. The way to get rid of it was to provide a register of votes, and reduce the Sheriff to the situation of a mere Minister, because as the law now stood, the Sheriff had not the power to act as a judge to any effect whatever. He could neither swear witnesses, compel the attendance of absent persons, nor do any efficient act. Mr. Bearcroft admitted, that there had been found, upon carrying the bill into practice, some strong objections to it; but he saw no reason to believe that they could not by attention be remedied, and the defects of the bill amended. With regard to the register keepers, why not make it a perpetual office, and pay the expence out of the public purse? Mr. Bearcroft in answer to that part of Mr. Powys's speech, in which he had said that the law as it stood, was universally disagreeable to all the counties; he contended the fact was otherwise. There were many counties which had not petitioned at all. In some there were local circumstances, which made the operation of the bill extremely inconvenient; in particular in that county with which he had lately became connected (Cheshire) and the adjoining county of Lancaster, to the welfare and accomodation of each of which he necessarily could not but be a sincere wisher. Those local circumstances might, in his opinion, easily be provided for in the Committee; but he never could be ashamed of having introduced a bill, which had twice before received the sanction of that House; and which, although not perfect, still merited an existence.

Mr Whitbread Mr. *Whitbread* adverting to the Bedfordshire election and the immoderate expence which it cost the candidates, though it was but a small county, he mentioned several freeholders who lost their votes for want of some proper means of securing them. The Sheriff had, upon being asked how he considered himself entitled to act, said, "he was the Sheriff, and he would do what he pleased," and he kept his word,

Mr. *Dempster* observed that the cost of the Bedford election, howsoever high, had like to have proved the most to him, for he had nearly lost his life by it. After attending the Committee for a long time, he became ill through the fatigue, and was confined long afterwards. Mr. *Dempster* said that he did not consider the county election act as a single measure, but as part of a great system of which Mr. *Grenville's* bill was the corner stone. He enlarged on the benefits of the register bill, and remarked that the expence of it, when divided among different counties was but small. He urged its necessity where the votes were numerous, and spoke of the inconvenience which arose from the vague and uncertain method of giving the votes at county elections at present. He concluded with recommending rather wholly to repeal the act and bring in a new bill, than to pass a hasty bill of suspension.

Sir *Charles Gould* observed, that the counties of Brecon and Monmouth would have petitioned against the bill, but they had at their meeting last Saturday, conceived that the second reading of it would have taken place as last Monday.

Sir *William Young* remarked, that not entirely upon the ground of the expence which it would occasion, had he opposed the county election bill, but at least, equally in consequence of its too efficient principle. The principle of the bill he objected to, because it tended to overturn the constitution. He conceived the principle of the bill to be a divided principle, and to have two objects, and that the clauses provided for only one of them, for only the securing of the votes of the freeholders. By such means the yeomanry would be disqualifed, and the great men in counties, the Nobility, get the power chiefly into their own hands. Sir *William* explained this, by stating his argument of the last year, that the great would take care to have the freeholds of their dependents registered, while the independent yeomanry would neglect to register, and thus the power of elections would fall into the hands of the Nobility. Another description of persons would derive great advantage from it, and that was the country attorneys; who, as they made the wills of the people resident in the country, and drew every sort of conveyance of property, became acquainted in whose hands the freeholds were, and had considerable influence over the freeholders, from the yeoman who had a freehold of forty shillings, up to the farmer who held a freehold of twenty or perhaps forty pounds a year. These men would all be led by the country attorneys, who were generally the agents at county elections.

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The bill was read a second time.

The Committee of the said bill was, upon motion, put off till Wednesday, the 22d day of April next.

Mr. Sumner then moved, that leave be given to bring in a bill "to suspend for a time to be limited the operation of an act, passed in the last session of Parliament," intitled, an act for the better securing the rights of persons qualified to vote at county elections, "and for indemnifying the persons required to carry the said act into execution, from the penalties which they may have incurred in not executing all the provisions of the said act."

The House adjourned.

The following Treaty was laid on the table by Mr. Chancellor Pitt:

Treaty of Defensive Alliance between His Majesty the King of Great Britain, and His Majesty the King of Prussia.

THEIR Majesties the King of Great Britain, and the King of Prussia, being animated with a sincere and equal desire to improve and consolidate the strict union and friendship, which having been transmitted to them by their ancestors, so happily subsist between them, and to concert the most proper measures for securing their mutual interests, and the general tranquillity of Europe, have resolved to renew and strengthen these ties by a treaty of defensive alliance; and they have authorized, for this purpose, to wit, His Majesty the King of Great Britain, the Sieur Joseph Ewart, his Envoy Extraordinary at the Court of Berlin; and His Majesty the King of Prussia, the Sieur Ewald Frederick Count de Hertzberg, his Minister of State, and of the Cabinet, Knight of the Order of the Black Eagle; who, after reciprocally communicating their full powers to each other, have agreed upon the following articles:

Article I. There shall be a perpetual, firm, and unalterable friendship, defensive alliance, and strict and inviolable union, together with an intimate and perfect harmony and correspondence between the said Most Serene Kings of Great Britain and Prussia, their heirs and successors, and their respective kingdoms, dominions, provinces, countries, and subjects, which shall be carefully maintained and cultivated, so that the contracting powers shall constantly employ, as well their utmost attention, as all those means which Providence has put in their power, for preserving at the same time the public tranquillity and security, for maintaining their common interests, and for their mutual defence and guaranty against every hostile attack; the whole in conformity to the treaties already subsisting between the high contracting parties,

ties, which shall remain in full force and vigour, and shall be deemed to be renewed by the present treaty, as far as the same shall not be derogated from, with their own consent, by posterior treaties, or by the present treaty.

Art. II. In consequence of the engagement contracted by the preceding article, the two high contracting parties shall always act in concert for the maintenance of peace and tranquillity; and in case either of them should be threatened with a hostile attack by any Power whatever, the other shall employ his most efficacious good offices for preventing hostilities, for procuring satisfaction to the injured party, and for effecting an accommodation in a conciliatory manner.

Art. III. But if those good offices should not have the desired effect, in the space of two months, and either of the two high contracting parties should be hostilely attacked, molested, or disturbed in any of his dominions, rights, possessions, or interests, or in any manner whatever, by any European Power, the other contracting party engages to succour his ally without delay, in order to maintain each other reciprocally in the possession of all the dominions, territories, towns, and places, which belonged to them before the commencement of such hostilities. For which end, if His Prussian Majesty should happen to be attacked, His Majesty the King of Great Britain shall furnish to His Majesty the King of Prussia a succour of 16,000 infantry, and 4000 cavalry; and if His Britannic Majesty should happen to be attacked, His Majesty the King of Prussia shall likewise furnish to him a succour of 16,000 infantry, and 4000 cavalry; which respective succours shall be furnished in the space of two months after requisition made by the party attacked, and shall remain at his disposal during the whole continuance of the war in which he shall be engaged. These succours shall be paid and maintained by the required Power, wherever his ally shall employ them; but the requiring party shall supply them, in his dominions, with such bread and forage as may be necessary, upon the footing to which his own troops are accustomed.

It is nevertheless agreed between the high contracting parties, that if His Britannic Majesty should be in the case of receiving the succour in troops from His Prussian Majesty, His Britannic Majesty shall not employ them out of Europe, nor even in the garrison of Gibraltar.

If the injured and requiring party should prefer succours in money to land forces, he shall have his choice; and in case of the two high contracting parties furnishing to each other the stipulated succours in money, such succours shall be computed at 100,000 florins, Dutch currency, per annum, for 1000 infantry, and at 120,000 florins, of the like value,

value, for 1000 cavalry, per annum, or in the same proportion by the month.

Art. IV. In case the stipulated succours should not be sufficient for the defence of the requiring Power, the required Power shall augment them, according to the exigency of the case, and shall assist the former with his whole force, if circumstances shall render it necessary.

Art. V. The high contracting parties hereby renew, in the most express terms, the provisional treaty of defensive alliance which they concluded at Loo, on the 13th of June in the present year, and they again engage and promise to act, at all times, in concert, and with mutual confidence, for maintaining the security, independence, and government of the Republic of the United Provinces, conformably to the engagements which they have lately contracted with the said Republic; that is to say, His Britannic Majesty, by a treaty concluded at the Hague, on the 15th of April, 1788, and His Prussian Majesty, by a treaty signed the same day at Berlin, which the said high contracting parties have communicated to each other.

And if it shall happen that, by virtue of the stipulations of the said treaties, the high contracting parties should be obliged to augment the succours to be given to the States General, above the numbers specified in the said treaties, or to assist them with their whole force, the said high contracting parties will concert together upon all that may be necessary relative to such augmentation of succours to be agreed on, and to the employment of their respective forces for the security and defence of the said Republic.

In case either of the said high contracting parties should happen, at any time hereafter, to be attacked, molested, or disturbed, in any of his dominions, rights, possessions, or interests, in any manner whatever, by sea or by land, by any other Power, in consequence and in hatred of the articles or stipulations contained in the said treaties, or of the measures to be taken by the said contracting parties respectively, in virtue of those treaties, the other contracting party engages to succour and assist him against such attack, in the same manner, and by the same succours as are stipulated in the 3d and 4th articles of the present treaty; and the said contracting parties promise, in all similar cases, to maintain and guaranty each other, in the possession of all the dominions, towns, and places, which belonged to them respectively before the commencement of such hostilities.

Art. VI. The present treaty of defensive alliance shall be ratified by each party, and the ratifications shall be exchanged in the space of six weeks, or sooner, if it can be done.

In witness whereof, we the underwritten, being authorized by the full powers of their Majesties the Kings of Great Britain and of Prussia, have, in their names, signed the present treaty, and have thereto set the seals of our arms.

Done at Berlin, the thirteenth of August, in the year of our Lord, one thousand seven hundred and eighty-eight.

(L. S.)

JOSEPH EWART.

(L. S.)

EWALD FREDERIC COMTE DE HERTZBERG.

Monday, 30th March.

Mr. Sumner presented the bill to suspend, for a time to be limited, the operation of the County Election Act, and to indemnify persons required to carry the said act into execution from the penalties they may have incurred in not executing all the provisions of the said act.

The bill was read a first and second time, and committed for the day immediately ensuing.

The *Master of the Rolls* begged leave to remind such gentlemen as might have arguments to advance concerning the bill, that they had better come to the House early, as it was, he believed, intended, that after it came out of the Committee, it should be engrossed, and then read a third time, and passed in the course of the same day.

Sir *William Yonge* rising to move for leave to bring in a bill to prevent vexatious removals of the poor, observed, that he did not mean to detain the House then, with entering into the detail of his intended bill; that when it should reach the Committee, he should be perfectly ready to discuss its merits, but, for the present, he meant merely to move for leave to bring it in; that he should afterwards move for its being printed, and name a day, after the Easter recess, for the second reading, to enable gentlemen to consult together at the Quarter Sessions, and make themselves perfectly masters of the bill, and of the opinion of their constituents respecting it, before it came under discussion. He had only one thing to add, and this was, that the principle of his intended bill was the same with the principle of the former bill which he had introduced on the same subject; but that, having, on that occasion, sent printed copies of his bill into all the counties of England, it had drawn upon him a large and multifarious correspondence; and that he had endeavoured to profit by the hints and suggestions of his correspondents, on that occasion, as far as he thought them consistent with the principle of his bill; and he had done so, not merely in compliment to the gentlemen who had honoured him with communications, but from a conviction that their suggestions were founded in wisdom and propriety. Sir *William* con-

cluded, with moving for leave to bring in a bill "for the " preventing vexatious removals, and for supplying certain " defects in the laws relating to the poor of this king- " dom."

Sir William afterwards presented the bill, which was read a first time, ordered to be read a second time, and to be printed.

The following accounts were moved,

" That there be laid before this House, An account of " the value and amount of goods, being foreign produce and " manufacture, entered for exportation to the British sugar " colonies, from the several ports in Great Britain, from " Christmas 1787, to Christmas 1788, distinguishing such " goods as have been imported by the East-India Compa- " ny." Also,

" An account of the quantities of coffee, cocoa, and " other goods, rum and sugar excepted, exported into the " British sugar colonies, from the several ports in Great " Britain, for the same period, distinguishing such as are " of the produce and manufacture of the said colonies, and " of foreign countries, with the duties of custom and ex- " cise on each article." Also,

" An account of the number of ships and vessels, with " their tonnage, entered inward, and cleared outward, in " the British sugar colonies, from Michaelmas 1787, to " Michaelmas 1788." Also,

" An account of the value and amount of goods, being " British produce and manufacture, entered for exportation " in the several ports of Great Britain for the British sugar " colonies, from Christmas 1787, to Christmas 1788." And also,

" An account of the number of ships and vessels cleared " outwards, and entered inwards, in the several ports of " Great Britain, to and from the British sugar colonies, " with their respective tonnage, for the same period."

The House adjourned.

Tuesday, 31st March.

Mr. Rose moved a new clause in the Land-tax bill, the object of which, he explained to be, to provide in future, that one half of the pensions, the whole of the land tax on which was assessed heretofore solely on the parishes of St. James and Whitehall, be payable at the Exchequer, according to the several assessments of the said pensions in future. Mr. Rose stated, that as the custom of assessment had hitherto prevailed, it bore unequally upon the parishes of St. James and Whitehall.

Six

Sir *Grey Cooper* begged that it might be understood, that Sir *Grey Cooper* he did not rise to complain, or to impute it as any matter *Cooper* of blame to Government, but that he thought it proper to observe, that he had twelve days ago, moved for certain public papers, which were not yet presented; a circumstance that bore the appearance of trifling with the orders of that House.

Mr. *Rose* answered, that all possible expedition had been Mr. *Rose* used.

Sir *Grey Cooper* repeated, that he had not any intention to Sir *Grey Cooper* censure Government.

Sir *William Molesworth* begged leave to avail himself of Sir *Wi- Moles- worth* the present opportunity to bring forward a motion respecting a new wall erected at the instance of the Board of Ordnance, in the parish of Stoke, near Plymouth. He had examined the estimates, and could not find the particular works carried on at or near Plymouth specified; he concluded, therefore, that the wall to which he alluded, was comprehended under the head of repairs. Sir *William* reasoned upon the constitutional right of all the Members of that House to scrutinize and enquire into every matter which they were called upon to vote under the head of public expence, and contended that the wall in question could never fairly be considered as a mere repair. That there had been a wall upon the same spot before, he admitted; but then the old wall was at the most, not seven feet high, and perhaps it had not exceeded five. That might possibly have been erected, merely to keep out cattle, which could not be said to have been the object of erecting the new wall, as the new wall was twelve feet high; nor could it be urged that the new wall was calculated to preserve and guard the trucks of guns and leaden aprons from being stolen, as had been remarked in that House, because at that moment there were not more than five cannon mounted on the lines. He understood that an honourable Member of that House had received a petition on the subject from his constituents at Plymouth, which he meant to present. It was not his intention, therefore, to go into any argument respecting the inconveniences of the erection, or of its expence. He would merely stand on the constitutional ground of objection to any specific work whatever, attended with expence to the public, being carried on without that House being properly informed of the nature of the work, and the extent of the expence. If such a matter were once over-looked, it might establish a precedent, and that precedent might be pushed forwards to a length which would ultimately ruin the country. If under the head of repairs, new and expensive works could be carried on without the knowledge of Parliament, there

would be no end to the abuse; he should therefore move,
 " That an estimate be laid before this House of the ex-
 " pences of a wall, now building under the direction of the
 " Board of Ordnance, in the parish of Stoke, in the
 " county of Devon."

Captain Macbride. Captain *Macbride* seconding the motion, observed, that as he had a petition to present from his constituents on the subject, he would reserve his sentiments till he should move to present the petition.

The motion upon the question being put, was agreed to by the House.

The order of the day for going into a Committee on the bill for suspending the County Election act having been moved and read,

Mr. Stanley took the chair.

Mr. Sumner. Mr. *Sumner* then proceeded to move words to fill up the several blanks. That, for limiting the duration of the bill occasioned a short conversation, the substance of which it is only necessary to state. Mr. *Sumner* proposed, that it should continue in effect till forty days after the commencement of the next session of Parliament.

Mr. Crewe. Mr. *Crewe* expressed his wishes, that it might remain in force till the first day of June, 1790.

Mr. Sumner. Mr. *Sumner* hoped that the duration of the bill might be limited to as early a day as possible, declaring, that among other considerations that made a short duration necessary, not the least argument was the case of the King's Printer, who would be prevented from obtaining the payment of the charges he had incurred in consequence of the bill, till the matter was decided in respect to the existing act of Parliament, either one way or another. Mr. *Sumner* added, that his desire was to accommodate the matter so as to meet the general wishes of gentlemen on all sides; and if the bill was more likely to be carried through with unanimity, he had no objection to take any one period that should be thought proper for the duration of the bill's existence, provided that there might be either some clause introduced on the report, in favour of the King's Printer, or some other means taken to indemnify him for his expences.

Sir Grey Cooper. Sir *Grey Cooper* observed, that it would give him concern to prevent the King's Printer from being duly paid the expences which he had been obliged to incur by the authority of the statute; but the honourable gentleman was mistaken, if he conceived that there could be any clause introduced for that purpose in the present bill. The introduction of such a clause would make it a money bill, whereas, all monies to be paid out of the public purse, ought to be, and must, alluding to the forms of the House, be previously voted

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voted in a Committee of Supply. He had therefore a considerable objection to indemnifying the King's Printer in the bill then before the Committee, and was clear, that no such clause could be grafted upon that bill.

An idea having been started, that it might be right to have the charges incurred, paid by county rates proportioned to the specific amount of the expence which particular counties had occasioned,

Mr. Medley rose to object to such a proposition, as in the highest degree unjust. He appealed to gentlemen's feelings, whether it could be equitable to tax the farmers, and those who rented copyholds, for a project to secure the rights and franchises of freeholders? In the particular parish in which he lived, Mr. Medley said, the inhabitants who held land, were almost all copyholders, there not being above three hundred freeholders in the whole parish; and surely, no gentleman would contend, that copyholders, who had no vote at elections, ought to be taxed to ease the burden, and defray the expence incurred, by endeavouring to secure the votes of freeholders.

The *Master of the Rolls* said, that the single question was, whether the suspension of the County Election act should continue till forty days after the commencement of the next session of Parliament, or whether it should cease at an earlier day? They were not then deciding on the act itself, or declaring whether it ought to be amended or repealed. There appeared to be one common opinion, that the bill could not go on as it stood, but that it ought to be either amended or repealed. He was one of those who thought it must be repealed; at least, he was not willing, for one, to undertake the trouble of endeavouring to amend it. At any rate, such a time ought to be taken for the duration of the present bill of suspension, as would enable the House to do something with the act itself, before the bill of suspension should expire; because, if it should expire sooner than gentlemen expected, and before any thing should be done with the County Election act, that act would be revived, and, from the alteration of dates, every county would be thrown into infinite confusion. With regard to the King's Printer, he certainly did not wish to keep him out of his money longer than was absolutely necessary; but he thought, with the honourable Baronet, that the circumstance could not be provided for in the present bill. If the King's Printer was the only person concerned, he should suppose he might very well wait, till something was done with the act itself, and the House, he conceived, would act in a very negligent and blameable manner, if, after having passed the bill of suspension, they did not,

as early as possible, do something with the County Election act.

Mr. Popham. Mr. *Popham* contended, that the suspending the County Election act was a virtual repeal of it. The limiting the duration of the present bill, was merely to give time for Parliament to decide and pass an act, in lieu of that at present in force.

Sir Grey Cooper. Sir *Grey Cooper* observed that, as the honourable and learned gentleman had said that the bill of suspension was a virtual repeal of the act of Parliament, it was natural to imagine he was furnished with cases in point, which he could state to the House, to convince them that the proceeding was regular. He begged leave to ask, therefore, what precedent there was to justify the proceeding? He would not say that there was not any precedent, but there appeared to him not to be any, and he really thought that Parliament should have some ground to found a proceeding so singular upon, and was therefore of opinion, that the best way would be to repeal the act of Parliament at once.

Mr. Popham. Mr. *Popham* answered, that he certainly had not a single case in point to state, nor was he furnished with any precedents whatever; but, in all acts of Parliament, their extent and duration were limited, as the exigency of the case might require. Mr. Popham referred to bills of various descriptions, usually passed each session, and stated, that it was on this principle that he had argued, and not on the ground of precedent.

Sir Grey Cooper. Sir *Grey Cooper* replied, that the rule alluded to by the honourable and learned gentleman, referred merely to acts of Parliament passed to last from seven years to seven years, or for one, two, or three years certain; but, in those cases, it was a determination of the acts themselves, and did not refer, as in this case, to a bill suspending the operation of an act.

The Speaker. The *Speaker* stated the strong objections to the County Election act, which had arisen from the local circumstances of particular counties, and said, that it was thence so clear that the act must be altered, and could not be suffered to continue, that something must be done, without delay, by way of either amendment or repeal.

Upon the question being put, the amendment, or words expressing, "that the operation of the bill should cease and determine forty days after the commencement of the next session of Parliament," was agreed to.

The Committee then went through the bill, and as soon as the House was returned, the report was made, and the bill ordered to be engrossed.

The House adjourned.

Wednesday, 1st April.

No debate occurred.

Thursday, 2^d April.

The order of the day being read for the motion of the right honourable Charles James Fox, for the repeal of the shop tax,

Mr. Fox rising, observed, that the subject of the shop tax Mr. Fox. had been so often discussed, it had engaged so much of the public attention, so much had been said upon it in that House, and so much more had been said upon it without doors, that he would not trouble the House either with a repetition of his former arguments, or with going into length of reasoning concerning its unjustifiable nature. With regard to the objections against the shop tax, urged by him and those who had honoured him by following him upon the subject, the tax had ever been said to be partial and oppressive, because it fell upon the shopkeeper, and not upon the consumer. Those who endeavoured by argument to prove that the tax ought to continue, had always maintained that it fell upon the consumer, and not upon the shopkeeper; and upon that single question of fact, the argument had remained at issue between them. Mr. Fox proceeded to state reasons, which, in his mind, clearly proved, that it fell upon the shopkeepers, and the shopkeepers only. The shopkeepers of the city in which they then were, and of the city of London, were most liable to the oppression of this tax, and, consequently, best enabled to judge whether they felt it to be oppressive or not; and they had unanimously, steadily, and unremittingly opposed the tax, on the ground that it was oppressive to an intolerable degree. The shopkeepers of the two cities and the borough of Southwark had applied to that House, regularly, every year since the tax had become a tax, stating that it was oppressive, and praying relief. Of whom was that majority composed, who had supported the continuance of the shop tax? Certainly, not chiefly of persons representing cities and towns in which there were many shopkeepers; whereas, those who had done him the honour to unite in opposing the tax, and unremittingly to complain of its injustice, were persons representing places wherein it was notorious that there were a great number of shops. It was, therefore, fair to conclude, that the truth of the argument was, that the tax did fall upon the shopkeeper, and not upon the consumer; since, as the tax had now lasted for a considerable time, the shopkeeper would have felt that it did fall upon the consumer, and not upon himself, if the fact were so; and, in that case, he would not have continued steadily

to complain of it as a personal grievance. In this point of view, therefore, the argument of those who had hitherto supported the tax, fell to the ground. Mr. Fox added, that he would only, in addition to this, make one or two observations to shew, that if, unfortunately, a total repeal of the tax should be denied, which, he trusted, would not prove the case, some essential alterations ought to be made in it. And first, with respect to the inconvenience with which the tax was attended, in consequence of the impossibility to lay it fairly and equally on all shopkeepers. This was, at present, so far from being the case, that nothing could be more unfair, nothing more unequal, than the mode of assessment which had been adopted. That was deemed a shop in one part of the city, and in one parish, which was not deemed a shop in another district and in another parish. He knew, in some instances, where a whole House had been assessed, because there was in it one room, not where goods, wares, or merchandize were retailed, but because there worked in that room a person whose occupation and employ it was to work for retail shops. This proved the manifest inequality and injustice of the mode of assessment which had obtained; and what was still stronger, he believed that those persons, whose opinions it was natural to imagine, upon such an occasion, would be consulted, he meant the Crown Lawyers, had not yet made up their minds upon the act itself, so as to decide with any thing like a fixed opinion, what description of houses were liable to be assessed to the shop tax, and what were not. Another proof of the partiality and injustice of the tax, was in the possession of that House; because, when they considered that three years had elapsed since it became a tax, and looked simply at the produce of different places, they would see the enormous weight of the tax which had fallen upon the city of Westminster, many of the shopkeepers of which had, in concurrence with other descriptions of inhabitants, honoured him by sending him there as their representative. The city of Westminster, and he spoke of the city of Westminster purely, without taking into the reckoning the parliuus of Marybone, Bloomsbury, and other adjacent districts, paid more than the whole city of London, and London and Westminster together, paid more than three-fourths of the whole produce of the tax. Another objection to the tax was, that, after three years continuance, it did not appear to be a growing tax; on the contrary, it was evident, from the papers before the House, that the produce of the tax in Westminster alone, as he had just described it, for the last year, fell four thousand pounds short of the produce of the tax in Westminster for the preceding year. Now, though four thousand pounds was no great sum, yet, when

it was considered that the tax was originally given for no more than forty thousand pounds, it was by no means to be regarded as an inconsiderable defalcation. Much had been said, that clamour against a tax ought not to induce a Chancellor of the Exchequer to give way. Undoubtedly, Mr. Fox admitted, that it ought not, and if the shop tax had been resisted and opposed on the ground of mere clamour, he should have thought that the giving it up was a dangerous example; but, in this case, it was evident that clamour had not been the ground of opposition, nor had any procedure like party spirit, or political prejudice, in favour of one set of men rather than another, been the motive of opposing the tax. So far from it, wherever the sense of the People could be taken upon the shop tax, as at an election, and on other public occasions, it had not been the ground of clamour of one political party, but a general contention which should prove itself the greatest enemy to the shop tax. Many taxes had passed that House, which had been opposed, and which had raised much clamour at first; but it had happened that, in proportion as the effects of such taxes had been ascertained by experience, the clamour had subsided, and the tax had been regularly paid without murmuring. The case with the tax in question was different; since, after three years, the clamour had strengthened and increased, and the opposition had been uniformly the same. There could be but two ways of accounting for this; the opposition and complaint against the shop tax must either come upon the ground of reason and of truth, and instead of a tax upon the public in general, in their capacity of consumers, the tax was a capricious penalty, if he might so phrase it, on a certain number of persons, for exercising a lawful and honest trade; or, if it were not that, it was the interest of the shopkeepers to oppose it. Whether, therefore, the clamour was attributed to the first; to a principle of reason and truth, or to the second, the interest of individuals, it was equally fit to be repealed, because the argument that the tax alighted upon the consumer, fell to the ground in both cases. He should therefore beg leave to move, "That the acts of the 25th and 26th of his present Majesty might be read."

The same being read accordingly, Mr. Fox moved,
 "That leave be given to bring in a bill to repeal the said
 "acts."

Mr. H. Thornton observed, that had not the right honourable gentleman given notice of his intention to move for leave to bring in a bill for the repeal of the shop tax, it was his own intention to have made the same motion. He could not, therefore, sit silent, but thought it his duty to rise and declare, that his sentiments perfectly concurred with those of

his constituents, in declaring the shop tax an unjust, partial, and oppressive tax; and in expressing his anxious wishes that it might be repealed. It was unnecessary for him to say much in addition to the arguments of the right honourable gentleman, who had so justly preceded him upon this occasion. He hoped, and trusted, that now they were about to come, if not to an unanimous, at least to a general vote, for leave to bring in a bill to repeal the tax in question. There were many reasons which strongly urged the propriety of such a measure; and one of these was, the great difficulty and utter impracticability of assessing the tax, so as to make it bear equally on the shopkeepers. Of this, Mr. Thornton said, it had fallen to his share to have had sufficient and undeniable proof; and where such an objection lay against a tax, it was in the highest degree unjust to persist in its continuance. Another argument against the shop tax was, its very great unpopularity, and the rooted degree of detestation in which it was holden by shopkeepers of every description. Many persons, to his knowledge, who, at the same time, were moving thanks to the right honourable gentleman at the head of His Majesty's Exchequer, for his late political conduct, were among those who complained most of the shop tax. The right honourable gentleman's best friends, and those who were among the foremost to give him their support on every public occasion, were avowed enemies to the shop tax. He hoped, therefore, that the right honourable gentleman would give way to the general wishes of so large and respectable a description of persons as the shopkeepers of the metropolis, and the borough of Southwark; indeed, from what he had heard, his expectations were, that such would be the right honourable gentleman's conduct; and therefore he would trouble the House no more, but content himself with seconding the motion.

Ld. John Townshend observed, that he most willingly delivered his sentiments, in compliance with the wishes of his constituents, who were so desirous to have the shop tax repealed, for the grounds and reasons stated by his right honourable friend; and, although the matter had been so often discussed, and he was conscious of his inability, by any thing which he could add, to place the subject in a new light; yet, he felt it to be his duty to trouble the House with a very few observations. They had been told that the shop tax was warranted by the necessity of the State, and it had been said by the right honourable gentleman over the way, that the tax was not oppressive, because it did not fall on the shopkeeper, but on the consumer. If the fact were as thus stated, he should be ready to admit that the opposition to it was most absurd and invidious on the part of the shopkeepers. It was

well known to be the spirit of trade to find a redress for every grievance. He conceived, therefore, that the tax did fall on the shopkeeper, and not on the consumer, from the very circumstance of the shopkeepers not having been able to find a redress for the tax. Indeed, it had been demonstrated, that there was no possible means of transferring the tax from the shopkeeper to the consumer; the only mode by which it had ever been contended that the shopkeeper could reimburse himself was, either by laying it upon particular articles, or generally distributing it upon the whole of the articles sold in his shop. Either of these modes would prove extremely difficult, and might expose a shopkeeper to be undersold by his neighbour, and thus insure the custom of his shop. It had been often insinuated, that, with regard to the clamours against the tax, there was a certain kind of dignified obstinacy necessary to the Chancellor of the Exchequer; but, on the present occasion, he hoped that it would be dispensed with. What had been the case of the receipt tax? There had been a clamour against it, which, in three months, was heard of no more; but, with regard to the shop tax, after three years, the discontents had rather increased than subsided, and the clamour was general. He was happy, however, to learn, from the information of the honourable gentleman who spoke last, that the right honourable gentleman was likely to relax and to consent to the repeal of this odious tax. Whether the right honourable gentleman did so, from conviction, or from convenience; whether he had honourably changed his opinion, after better consideration, or saw something in the circumstances of the times, which made it appear to him to be adviseable to consent to the repeal, he would not enquire; but should be happy to obtain the favour, and accept it as a boon for his constituents and the public in general.

Mr. Chancellor *Pitt* remarked, that he should consider Mr. Pitt himself as guilty of a want of candor, if he were not ready to acknowledge that the question, upon which they had been at issue, respecting the shop tax, had rested precisely on the grounds stated by the right honourable gentleman. There were other questions respecting it which took up the attention of the House; but he had uniformly declared, that he thought the tax would not fall upon the shopkeeper, but be paid, in the end, by the consumer. He certainly entertained no other idea, and as far as he could form a judgement of it, from what he had heard in argument, separately from practice and experience, his mind was not yet satisfied that the shopkeeper could not find any mode of indemnification; but, he agreed, that the uniform opinion of the shopkeepers, who had acquired experience upon the subject, denied the truth of that sentiment; and the continuance of that opinion, for

so long a time, was the strongest argument to induce them to believe, that the shopkeepers had not been able to find a mode of indemnification, and that mere theory and argument ought not to prevail against practice. Nor was it the continuance of that opinion which solely led him to admit so much; it was, as an honourable friend of his had observed, because the objection and complaint were not confined to any particular species of persons, or any specific descriptions of shopkeepers, but were urged by the shopkeepers in general, without reference to political party or prejudice of any sort. Had the fact been otherwise, and had the ground of objection appeared to him to have been solid and substantial, he should be sorry to have it imagined that he would, in that case, have refused his consent to repeal it; but, though he had the misfortune to differ with certain gentlemen in political questions, yet any person would agree with him, that where there was a coincidence of opinion against a tax without distinction of party, and when those who gave the most striking proofs of their desire to lend their support to Government, joined in objecting against the tax, it must have great weight; and, therefore, he was not afraid of saying, that he felt that circumstance entitled to great additional weight. For these reasons, though he considered it to be his duty, generally, to resist any attempt to decrease the revenue by the repeal of taxes, objected to by persons who were most likely to be affected by them, and though, in the present case, as far as argument went, he had heard nothing to induce him to change his own sentiments, yet, when he learnt the opinion of those who had been able to try the effect of practice to be the same at the end of three years, and observed the general concurrence of all of that description, he thought it no longer proper to oppose to their feelings and experience any opinions of his own mind founded on theory, and therefore he should not resist the motion, but heartily give it his consent.

Benj. Hammet. Sir *Benjamin Hammet* observed that, having had the honour to be the first in that House to point out the partiality of the tax, at the time when it was proposed, he now congratulated the House, the right honourable gentleman (Mr. Pitt) and the country at large, on the prospect of the unanimous consent of the House for its repeal. He agreed with the right honourable gentleman (Mr. Fox) in his arguments against the act; but his principles went higher; for, if it had been clearly proved that the shopkeepers could have reimbursed themselves, yet he should be equally an enemy to the tax as personal; because, if that House could take any part of the subject's money, distinct from the rest, they could take all. He knew of no security of private property, but that

that of the House giving their own money with that of their constituents, which must always be the case when taxes are laid upon articles of consumption, and he again pledged himself, that he would never vote for any tax, in which he was not liable to bear a part clearly in the principle of the bill, and not by implication.

The question being put, was carried unanimously.

Mr. Fox, Mr. Thornton, Lord John Townshend, Sir J. B. Hammett, &c. were ordered to bring in the bill.

Mr. *Hussey* desired to know what was to be done upon the ensuing day, in respect to the ballot for a Committee to try the merits of the Westminster election. Was it likely that there would be a House? Because, if it was not likely, he should imagine that it would be adviseable to adjourn the ballot to a future day. Mr. *Hussey* said, that he was a friend to Mr. Grenville's bill, and did not wish its operation to be brought into discredit. He admired the effects of its operation, but thought that there might be a great difficulty in getting a House. He did not wish to serve either party in the election, by thus calling the matter to the notice of the House, but merely to guard against inconvenience.

Mr.
Hussey.

Mr. *Fox* asked, if those who might be supposed to know best could say that there was a probability of there being a House tomorrow [this day]? If there should not be a House upon the morrow; and, as the holydays were approaching, he doubted whether there would be a House for a long time; and yet, should a House meet upon the morrow, that certainly was the day on which, on every account, it would be desirable for the Committee to be ballotted for.

Mr. Chancellor *Pitt* observed, that he could not presume Mr. *Pitt* that gentlemen would be so unmindful of their duty as not to attend, when business of so much importance required their attendance. There were a considerable number of Members in town, and to put off the business beforehand, would give a bad impression of their readiness to discharge their duty. Every Member, he conceived, whatever he might have thought of Mr. Grenville's bill formerly, was now a friend to it; and, on that account, he should imagine there could be no difference as to the feeling it right to try at least to have the ballot on the next day.

Mr. *Fox* answered, that the right honourable gentleman Mr. *Fox* was certainly likely to know much better than he could, whether there were Members in town sufficient, and the reason for his having put the question, was grounded in the recollection that there were more Members disqualified from being on the Committee of the Westminster election than any other.

Mr.

Mr. *Dempster* having premised, that he was much rejoiced to find that the right honourable gentleman consented to the repeal of the Shop Tax, added, that there was another description of persons, who had been oppressed by the operation of one of the most severe and unjust laws that ever passed; he meant the hawkers and pedlars law. [Being reminded from the Chair, that it was not warrantable to suffer the existing laws to be spoken harshly of in that House] Mr. *Dempster* bowed to the opinion of the Chair, and gave notice, that the very first day there was a House, he would move to repeal the bill, imposing the heavy tax now in force against hawkers and pedlars. The shopkeepers, he said, had entered into a contract with the Public, and consented, that if the hawkers and pedlars were severely taxed, they would not complain of the Shop Tax; they had broken their faith with that House, and had clamoured against the Shop Tax as much as ever. He should not therefore wonder, if the shopkeepers, who seemed to be wholly actuated by self interest, after having obtained a repeal of the Shop Tax, were to come to that House immediately, in the shape of petitioners, against the repeal of the hawkers and pedlars act.

Mr. *Pitt*. Mr. Chancellor *Pitt* observed, that it was far from appearing that the shopkeepers had broken their faith, either with that House, or the Public; because, he never heard of their having entered into any contract, that if the hawkers and pedlars were taxed severely, they would not complain of the Shop Tax. It would have been a strange and invidious principle to have acted upon; but, the fact was, that it never had been assumed by the shopkeepers. With regard to the honourable gentleman's notice of his intention to move a repeal of the hawkers and pedlars act, he did not mean to discuss the subject then, as a notice was not a fit ground for such an investigation.

Mr. *Fox*. Mr. *Fox* remarked, that so far were the shopkeepers from considering the heavy tax imposed on the hawkers and pedlars as any favour to them, that he believed many of them thought it much otherwise, and would be glad of the repeal.

Ald. Mr. Alderman *Newnham* said, that many of his constituents would rejoice at the repeal of the hawkers and pedlars act.

Ald. *Le Mesurier* Mr. Alderman *Le Mesurier* trusted, that notwithstanding some preceding observations, the House would not run away with an idea that the shopkeepers in general wished the hawkers and pedlars act to be repealed. Many of his constituents wished very differently, believing hawkers and pedlars to be a great nuisance.

The House adjourned.

Friday, 3d April.

material debate occurred.

Monday, 6th April.

William Young reported to the House the following on the lists of those Members who are to act as the Commissioners for the ensuing year, for carrying into executive the East-India Judicature act.

| | |
|------------------------|----------------------------|
| Jekyll, Esq. | Mat. Montagu, Esq. |
| Lambton, Esq. | W. Morton Pitt, Esq. |
| Muncaster, | Francis Burton, Esq. |
| Lemon, Bart. | Wm. Drake, Jun. Esq. |
| Mainwaring, Esq. | Sir John Rous, Bart. |
| Viscount Belgrave, | Ambrose Goddard, Esq. |
| old Pole Carew, Esq. | Wm. Hussey, Esq. |
| m, Dolben, Bart. | Henry Beaufoy, Esq. |
| am Ferguson, Bart. | Right Hon. T. Pelham, |
| Viscount Downe, | Sir R. Salisbury Cotton, |
| Cornwall, Bart. | John James Hamilton, Esq. |
| rch. Edmonstone, Bart. | Wm. Pulteney, Esq. |
| Dudley Ryder, | Lord Viscount Grimston, |
| A. W. Shuckburg, | Tho. B. Bramston, |
| Yorke, Esq. | Rt. Hon. J. Grenville, |
| Martin, Esq. | Robert Smith, Esq. |
| Lygon, Esq. | Tho. Masters, Esq. |
| r Honeywood, Esq. | Hen. Bankes, Esq. |
| Grigby, Esq. | Sir G. Elliot, Bart. |
| Addington, Esq. | John Crew, Esq. |
| es Brandling, Esq. | Rich. Slater Milns, Esq. |
| Duncombe, Esq. | Isaac Hawkins Browne, Esq. |
| Houghton, Bart. | Rt. Hon. C. Greville, |
| Cha. Marsham, | H. James Pye, Esq. |
| Praed, Esq. | J. P. Bastard, Esq. |
| Rolle, Esq. | Ed. Phelps, Esq. |

The same were, upon motion, ordered to lie on the table.

rd Newhaven remarked, that it gave him concern, Lord he yielded to the necessity of complaining against the Newhaven present and incomplete manner in which returns were from the public offices to the orders of the House. He the words of a motion that he had made respecting the of the receipt of the Land Tax, and the arrears due the receivers up to a certain day in 1779, and said he made a similar motion the last session, in the very same of words, the date only excepted, and ~~also~~ in this pre-
session, but that the return had been defective each year, papers presented from the office containing the general receipt

receipt of the Land Tax only, and taking no notice of the arrears of the receivers who had been dismissed, which in 1779 amounted to 101,000l.

Mr. Rose. Mr. *Rose* assigned as a reason, that it was thought the general receipt was the only important object of the noble Lord's motion, or there would have been no objection to have furnished the part which the noble Lord imagined to have been defective in the return; but that, in fact, it was unnecessary, as not one shilling of the arrears of 1779 had been paid, and therefore giving an account would have been nothing more than giving a copy of so much of a paper already on the table of the House.

Lord Newhaven afterwards moved, "That there be laid "before this House an account of the gross and net produce "of excise."

Mr. Rose. Mr. *Rose* answered, that the returns in question were generally made up from July to July, and therefore the motion was premature.

Lord Newhaven not being satisfied,

Mr. Steele Mr. *Steele* more fully explained, that although the noble Lord's motion certainly might be complied with, it would occasion an infinite deal of trouble, and it would be two or three months at least before the returns could be made. Mr. Steele added, that the returns being usually made up to July, the calling for them at that premature moment would oblige the office to institute a general correspondence throughout the Kingdom, at a period altogether unusual, and consequently pregnant with great inconvenience.

The motion was negatived.

The House adjourned.

Tuesday, 7th April.

Mr. Dempster Mr. *Dempster* begged leave to trespass upon the attention of the House, whilst he rose to move for leave to bring in a bill to repeal the acts of the 25th and 26th of the present King, imposing additional duties and restrictions on hawkers and pedlars. The shopkeepers having obtained the repeal of the acts imposing a duty upon them, was a circumstance which appeared to call for a repeal of the act, which loaded the hawkers and pedlars with severe and heavy duties; he therefore desired that the title and preamble of the act of the 25th of the present King might be read.

The same having been read accordingly, Mr. *Dempster* observed, that the bill had been originally introduced as a bill of Supply, and voted under the idea of granting an additional supply to His Majesty; but, so far from aiding the revenue, it had, in its effect, tended to diminish it very considerably. Mr. *Dempster* stated the different amounts of the produce of the duty on hawkers and pedlars, at the old rates, and since

the additional duties were imposed, proving from the different points of view. The severity of the additional tax on licenses, he said, deprived many honest and industrious persons of the means of earning their bread, by debarring them from the exercise of the lawful occupation of buying and selling. Nor did it only prevent men by honest means from earning their livelihood, but, he believed, its effect went much farther, and that it had been injurious to the manufactures of this country, by cutting up the vent of them in a channel which had heretofore, proved extremely beneficial. The increase of the Manchester manufactory had arisen, in a great measure, from the laudable exertions of the body of men, whose cause he was pleading; and, therefore, on these grounds, and for a variety of other reasons, which had on former occasions been stated, he would move for leave to bring in a bill to repeal the said acts.

Mr. Rose observed, that perhaps it might be proper to repeal that part of the act in question, which imposed the additional duties on hawkers and pedlars, and to reduce the duties to their old standard; but, gentlemen would recollect, that the act contained other provisions, which it might be, on all hands, thought fit to keep in force. He meant the provision, that no hawker should be allowed to sell his goods, wares, and merchandize, in any market town, nor within two miles of a market town, and several others, which operated as regulations on the conduct of hawkers and pedlars, and tended to give the shopkeepers a fair and reasonable chance of vying with them. With regard to the effect which the new duties had produced, in respect to the revenue, gentlemen would be so good as to call to mind, that the additional duties were not imposed with the view of raising a larger sum of money on the Public, but that the duty on the license had been increased for the avowed purpose of restraining the number of hawkers and pedlars, a restriction which he really thought the shopkeepers entitled to. Mr. Rose added, that he had no intention to go into reasoning upon the subject at that time, but he had thought it necessary to mention the particulars which he had stated, in order to lay in a ground of objection; and this, for the purpose of contending, at some future stage of the business, against a total repeal of the act in question.

Sir John Swinburne remarked, that in his opinion, hawkers and pedlars were fair objects of taxation. He thought the Sir John Swinburne encouragements given to hawkers and pedlars a disgrace to a free People, and he stated why he conceived those dealers in goods, wares, and merchandize, who had no particular places of abode, had not an equal claim to the partiality of the Legislature with settled shopkeepers, who were householders,

and paid their full share of the heavy taxes incidental to a fixed residence. He mentioned the inconveniences peculiarly experienced in the part of the country in which he resided, by the inundation of hawkers and pedlars from Scotland, who not only sold goods inferior in quality to those on sale in the regular shops, but did the fair trader infinite mischief by greatly underselling him; a circumstance which could only be accounted for by supposing that the hawker and pedlar obtained his goods in an indirect way. He thence concluded, that the hawkers and pedlars gave great encouragement to smuggling, and being by that means a species of traders, whose conduct proved highly injurious to the revenue, he thought the increase of duties on their licences extremely proper.

Mr. S. Thornton. Mr. S. Thornton objected against a total repeal of the act of Parliament which contained a variety of provisions and regulations, that, independent of any object of revenue, were highly expedient and necessary.

Mr. I. H. Browne. Mr. Isaac Hawkins Browne begged leave to remind the House, that when the act came before them in the shape of a bill, two years ago, he had presented two petitions on the subject; the one praying an entire suppression of the hawkers and pedlars; the other against it; but when the examination of witnesses on the subject took place at the bar, he had listened to it with very great attention, and had been fully convinced by the evidence, that the hawkers and pedlars were a very useful, industrious, and virtuous set of people. With regard to the idea that there had been any contract between the hawkers and pedlars and the shopkeepers, it was impossible, in the nature of things, that any such contract should have taken place; and he would do the Chancellor of the Exchequer the justice to say, that it was not likely he should have made any such contract, as had been hinted at, with the shopkeepers. He recollects that the only ground on which the shop tax had been justified and supported, was, and he had thought the argument very feasible at the time, that it would ultimately fall on the consumer; the shopkeepers, on the other hand, had contended, that they should have to pay it themselves. But, as the hawkers and pedlars were able to live upon their duties, and to get forward as fast as the shopkeepers, for that reason, in order to put both descriptions of traders upon an equal footing, the duties on hawkers and pedlars were raised to four pounds for the license of every hawker and pedlar who travelled on foot, and eight pounds for every hawker and pedlar who travelled with an horse, or a beast of burthen. This was undoubtedly a severe duty; and though he should be the last man to consent to any diminution

tion of the revenue, yet he could not avoid regarding the repeal of these additional duties on hawkers and pedlars as an act of justice, considering the grounds on which they were originally imposed, and that the shop tax was to be repealed. One argument advanced against hawkers and pedlars was, that they had no settled habitations. This, he had it in his own power to say, was a mistake. He knew that a great many hawkers and pedlars were settled, that they had improved the country considerably, and raised the price of land in consequence of their improvements. He should be sorry to see the clause in the act restraining hawkers and pedlars from selling by auction repealed. Another very proper clause in his mind was, that which enacted that every hawker and pedlar convicted of smuggling should be deprived of the power of following the occupation. Mr. Browne adverted to other clauses in the act, and assigned his reasons for thinking the shopkeepers, and hawkers and pedlars were in their respective capacities equally entitled to the attention of the House, as the agents and supporters of the manufactures of the country, which they procured a vent for as traders. He thought that it would prove unjust to restrain and proscribe the hawkers and pedlars, or any body of men, from exercising their lawful occupation, and therefore he was fully persuaded that repealing the additional duties would be for the public good, and he was also fully persuaded that it would be equally for the public good, that several of the provisions of the existing act of Parliament should remain.

Mr. Pulteney remarked, that he had always conceived that no gentleman who supported the present measure could wish to repeal the act entirely, because it contained some provisions that were equally calculated to prove of advantage to the public, and to the hawkers and pedlars themselves. Mr. Pulteney particularly alluded to the clauses restraining hawkers and pedlars from selling their goods in a market town, or within two miles of a market town, and in such districts as the Justices of the county, at the quarter sessions, had forbidden. The motion in the honourable gentleman's hand, Mr. Pulteney observed, was for a simple repeal; he would submit it to the honourable gentleman, whether it would not be proper to alter the wording of his motion, and instead of moving for leave to bring in a bill to repeal the acts in question, to move for leave to bring in a bill to explain and amend those acts; such a title would afford a fair scope for retaining so much of the existing acts of Parliament as might, upon future discussion, be deemed adviseable.

Mr. Pitt. Mr. Chancellor *Pitt* having premised that the House seeming to be of opinion that the additional duties ought to be repealed, added, that there might exist much difference of sentiment with respect to some of the provisions of the act of Parliament. He did not mean to discuss that difference of opinion at present, but, there certainly might be a difference of sentiment as to the propriety of continuing to restrain hawkers and pedlars from selling their goods in market town, or within two miles of a market town. He hoped therefore, that the honourable gentleman would have no objection to adopt his honourable friend's proposition, and change his motion so as to move for a bill to explain and amend, which would leave the subject open to future discussion.

Mr. Dempster answered, that he did not entertain the *Dempster* smallest objection to alter the motion in the manner suggested.

The Speaker then put the question, "That leave be given to bring in a bill to explain and amend the said acts."

The motion passed.

The order of the day having been read for going into a Committee on the bill to repeal the shop tax, the Speaker left the chair, and Mr. Alderman Sawbridge took his seat at the table.

Mr. Fox then moved to fill the blank for the commencement of the bill, with the words the fifth of April.

After having filled up the other blanks, the Chairman read the preamble.

Mr. Pitt. Mr. Chancellor *Pitt* observed, that he by no means conceived it to be the object of those, who wished for a repeal of the shop tax to insist on the words of the preamble as it stood, because, as that must necessarily create a difference of opinion, and since as much unanimity as possible was desireable on the present occasion, he presumed they would concur in endeavouring to avoid all cause of difference. He reminded the Committee, that those who had hitherto opposed a repeal of the shop tax had declared, that whatever might be their private opinion upon the subject, they had not thought it proper to oppose that private opinion on the present occasion to the wishes of so large a number of their fellow subjects. The preamble, as it stood, contained something more like the language of invective, than the ordinary language of a bill of repeal. In fact, the preamble by pronouncing that the tax on shops was a partial and oppressive tax, and contrary to the just principles of taxation, contained a censure on the tax, and consequently a censure on a former act of their own. The usual language

of a bill of repeal was to declare, that whereas it was expedient to repeal an act passed for such a purpose, and at such a time. He should, therefore, move an amendment to the preamble, to leave out the words after the eleventh line, and insert the words "Whereas it is expedient to repeal an act of the 25th, and an act of the 26th, of his present Majesty, " imposing a duty on shops, &c."

Mr. Fox remarked, that it gave him much concern to dis- Mr. Fox. cover that words which he had inserted in the preamble of the bill, for the express purpose of maintaining the dignity of Parliament, and supporting the regularity and consistency of their proceedings, should be considered as an invective. He rather thought that the words objected to were the very words of the right honourable gentleman himself, and that he had said, that whatever might be his opinion in theory, the shopkeepers having so much by experience that the tax on retail shops was partial and oppressive, and contrary to the true principles of taxation, he was willing to consent to its repeal. That the tax was inexpedient, was undoubtedly true; but it was not for that reason that it was deemed right to repeal it; to make that the plea for its repeal, was to confess that they removed the tax on the mere ground of clamour, without being satisfied of its partiality, oppression, and injustice; whereas the contrary was notoriously the fact. Mr. Fox concluded with saying, that although he should certainly give his negative to the amendment, he would not press for a division of the House.

The amendment was then moved, and agreed to. After which, the bill, with its amendments, was reported to the House, and ordered to be engrossed, and read a third time upon the morrow.

The House adjourned.

Wednesday, 8th April.

Mr. Chancellor Pitt acquainted the House, that he was commanded by His Majesty to inform this House, that His Majesty has appointed Thursday, the 23d of this instant April, to be observed as a day of public thanksgiving to Almighty God, for that signal interposition of His good Providence, which hath removed from His Majesty the late illness with which he hath been afflicted; and for the greater solemnity of that day, His Majesty will go to Saint Paul's Church, to return thanks to Almighty God for the great mercy which hath been extended to him; and His Majesty hath been pleased to give the necessary orders for providing convenient places in the said Cathedral for the Members of this House.

Resolved,

Resolved, "That the humble thanks of this House be returned to His Majesty, for His Majesty's gracious favour in communicating to this House his intention of going to St. Paul's Church upon the day of thanksgiving appointed by His Majesty, and for having been pleased to give orders for providing convenient places in the said Cathedral for the Members of this House."

Ordered, "That the thanks of this House be returned to His Majesty, by such Members of this House as are of His Majesty's Most Honourable Privy Council."

Resolved, "That this House will attend, as an House, in St. Paul's Church, upon the day appointed for a public thanksgiving."

Ordered, "That a Committee be appointed to consider of the manner of this House going to St. Paul's Church, on Thursday the 23d day of this instant April, and of such regulations as may be necessary to be observed for the preservation of order upon that occasion."

And a Committee was appointed accordingly.

Ordered, "That the said Committee have leave to sit, notwithstanding the adjournment of the House."

The order of the day having been read for the second reading of the bill, "To incorporate certain persons therein named, and their successors, with proper powers for the purpose of establishing a society, to be named the Westminster Society, for granting annuities upon, and insuring lives and survivorships," Counsel were called to the bar, when Mr. Graham was heard, as counsel for the petitioners, the Amicable Society in Serjeant's Inn, Fleet-street, against the bill.

Mr. Graham observed, that the arguments upon which he chiefly relied, lay within a narrow compass, and were, in his mind, so obvious and irrefragable, that he did not think it necessary to adduce evidence, or call a single witness in support of any of the facts to which he might have occasion to allude. The grounds and object of the bill were these: One hundred gentlemen, of the utmost respectability, were willing to adventure in a project of insurance on lives; their capital was limited to three hundred thousand pounds, but their subscription, individually, was to be a deposit of the sum of one thousand pounds each only in the first instance, and a subjection to be called upon for two thousand more, if necessary. The bill set off with stating, that the capital of this new Insurance Company was three hundred thousand pounds, which was, he conceived, an error in point of form, the real capital being no more than one hundred thousand pounds. This, the House would, doubtless, correct in the Committee; but, Mr. Graham thought it his duty to mention

tion it, because it might prove a fallacy if not properly guarded against, since the subscribers, from insolvency, and various other incidental chances in life, though perfectly solvent at present, might not be able to advance the second and third thousand pounds when called upon ; and, in that case, the real capital would be no more than the one hundred thousand pounds subscribed and deposited in the first instance. But, the chief argument on which Mr. Graham rested the objections of his clients to the bill, and which, in his mind, was much more than a mere matter of form, was, there being in the bill no clauses to appropriate the capital of the adventurers, or to limit their dividends. He stated, that the new Company seemed to have for their object the accumulation of a considerable capital ; that having accumulated it, the bill left them at large to apply it to any purpose which they thought proper. There was no project, however visionary, no speculation, however unsound, in which they might not risque their capital. The bill provided no restriction in respect to the amount of their dividend. The Company would, naturally, be tempted to make as large a dividend as possible, and as the subscribers were not to be answerable with their private fortunes, farther than the amount of their several subscriptions, the public, who might be allowed to adventure, and to rely on the faith of the Company, and the security apparently afforded by a knowledge of the extent of the individual wealth of its respective members, would not be able to recover the solitary remedy of receiving back the sums which they might have originally paid for insurance. Mr. Graham stated, that the facility of general insurance was an advantage peculiar to this country. We were able to insure for all the world ; but, the facility of insurance on lives in this country, although it was, undoubtedly, a great national advantage, was attended with this concomitant evil : young men were thereby enabled to come into the use of their fortunes all at once prematurely, and to spend the whole before they had in fact a reasonable right to enjoy any part of them. This obviously led to universal ruin, and that fatality, he asserted, the bill, in its principle, tended to encourage.

Mr. Piggott was heard as counsel on behalf of the bill, and began with complaining of the hardship to which his clients were subjected, in finding themselves opposed by a society, which might be considered to consist of brethren of the same trade ; when

Mr. Graham begged pardon for interrupting Mr. Piggott, but he had omitted to state what was in fact the natural result and consequence of his argument, namely, that the bill, if passed into a law, would, in its effect, materially injure the Amicable

Amicable Society of Insurance on Lives in Fleet-street, and also the Long and Short Annuities, and a variety of other Funds and Societies, the object of which was insurance on lives.

Mr. Piggott answered Mr. Graham, by stating, that Corporations of Insurance Companies were of great public benefit. That it was an universal maxim in trade, that two shops were better than one, and that competition was the circumstance which afforded so much advantage to the customer. Every thing, therefore, that tended to give facility to insurance on lives, was a matter exceedingly desirable; and as to the comparison between a corporation and private insurers, the security afforded by the former was so far superior to that which the latter could give, that it would not bear an argument. He described the frequent bankruptcies of private insurers, and the paltry dividends received from their estates by their creditors, and placed the description in contrast with the solid satisfaction insurers would receive from a corporate body, known to have a large capital, to possess the power of making bye laws to regulate their conduct, to keep open books, and to conduct their business with publicity. He complained of the injustice of the Amicable Society opposing the present bill; inasmuch as, so far from that society having cause to wish to monopolize or increase their business, they already had more offered to them than it was consistent with their rules to transact, and those who wished to do business with them, were obliged to solicit in the capacity of humble candidates for a long time, before the office was able to close with them. Mr. Piggott admitted that the bill was defective, and said, that there were several provisions necessary to be inserted in it, which he had himself taken the liberty to suggest to his clients; but, he was instructed to say, that they were willing to consent to any farther restrictions that the Committee of the House might think necessary to insert, by way of additional security to the Public.

The Counsel having been directed to withdraw, the Speaker read the bill a second time, and stated from the breviate its preamble and clauses.

Upon the question being put, "That the bill be com-
" mitted,"

Mr. Hussey. Mr. Hussey remarked, that he came down to the House a friend to the bill, and that he perfectly agreed with the learned counsel at the bar, that two shops were preferable to one, and that the greater the facility of insurance on lives, the better; but from what he had heard, the bill was highly objectionable. It tended to select one hundred persons, and enable them to form themselves into a corporation, and raise a ca-

a capital of three hundred thousand pounds, without making their private fortunes responsible, or applying any restrictions to the use and appropriation of their capital whatsoever. He had no doubt but that the gentlemen who desired to be allowed to incorporate, meant to act fairly and honestly; but, he could not conceive that it became them, as a House of Parliament, to countenance the taking one hundred citizens, and separating them from the rest of the public, in order to give them such undefined and unlimited powers. He could not, therefore, think that the bill could proceed, or any bill so defectively drawn. He saw clearly, that the number of Members present was not large enough to divide, nor did he wish to take advantage of that circumstance, but unless he heard some substantial arguments in favour of the bill, he should think it his duty to object to the question.

Mr. R. Burton admitted that the bill was defective, but it did not appear to him to have any defect, which might not be fully cured and supplied in a Committee.

Mr. W. Stanhope acknowledged himself ready to admit that Mr. W. as the bill stood, it was liable to great objection; but he had learnt, from conversations with the gentlemen concerned, that they meant themselves to propose many conditions and restrictions in the Committee for the better security of the Public. He hoped, therefore, that the bill would be suffered to go to a Committee. The principle of the bill being to give facility to insurance on lives, must be allowed to have its merit; yet, so far was he from meaning to support the bill, in its present shape, that if it was not materially altered in the Committee, and so altered as to remove all objection, he would himself move to throw it out.

Sir Harry Hoghton hoped that the bill would be permitted to go to a Committee, in order that a clause might be introduced to provide ample security for any sum which the public might advance on the faith of the Company.

Mr. Pulteney observed, that the bill required amendment; but, as the Committee was the proper place to amend its clauses in, he hoped that the honourable gentleman would have no objection to withdrawing his motion, and suffering the bill to be committed. If, upon the report, it should not appear to him to be sufficiently amended, that would be the time for the honourable gentleman to object against the bill. But, if it were then to be set aside, he did not believe a new bill could, in the present session, be brought in upon the petition which had been presented.

Mr. Hussey answered, that he could not give up his principle. He still thought that Parliament should not suffer such a bill to proceed. He did not mean to question the honest intention, or the fairness of the petitioners for the bill,

Mr. Hussey.

but it behoved them, as a House of Parliament, to watch over the public interests, and to suffer no bill which might lead to an abuse of those interests to escape them unresisted. Mr. Hussey said, that he saw clearly that if he insisted on a division, the bill, from the smallness of the numbers present, must be lost. He did not wish to take that unfair advantage, and therefore he was ready to agree to adjourn the further consideration of the bill. It ought to be discussed in a fuller House. The incorporating of one hundred persons, and enabling them to raise three hundred thousand pounds capital, was an object of great importance, and previously to Parliament's consenting to it, they ought to have a plan before them, on which such a corporation was to be bound to act. They had, at present, no plan whatever to judge by, nor was the bill, however fairly the petitioners meant to deal by the public, at all adequate to their own avowed purposes.

Ld. Newhaven. Lord Newhaven begged leave to remind the honourable gentleman of the great inconvenience which, in all probability, would result from delay. There would, as the honourable gentleman well knew, be a great difficulty in obtaining a full House; and it must, at all events, prove a considerable time before a full House could be expected, since the holidays were to intervene previous to their next meeting. He hoped, therefore, the bill would be suffered to go to a Committee.

The motion being altered to a motion of adjournment of the further consideration of the bill, the same was adjourned to Tuesday the 28th instant.

The House adjourned, for the Easter recess, to Monday the 20th of April.

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